JOURNAL

of the

HOUSE OF REPRESENTATIVES

of the

GENERAL ASSEMBLY

of the

COMMONWEALTH OF KENTUCKY

First Extraordinary Session of 1963

Held in the State Capitol in the Capital City of Kentucky, at
Frankfort, in the Year of Our Lord 1963 and
in the One Hundred and Seventy-first
Year of the Commonwealth

Begun on the Twenty-eighth Day of January, 1963, and
Adjourned Sine Die on the Twenty-eighth Day of
February, 1963

DUNNE PRESS
PRINTERS TO THE COMMONWEALTH OF KENTUCKY
LOUISVILLE, KENTUCKY

Edited and Published

by

The Staff of the

Kentucky Legislative Research Commission

Frankfort, Kentucky

March 1, 1963

FOREWORD

The Constitution requires each house of the General Assembly to keep a Journal of its proceedings. The Journal is intended to assure a public account of legislative activity and constitutes the final official record of action by the General Assembly.

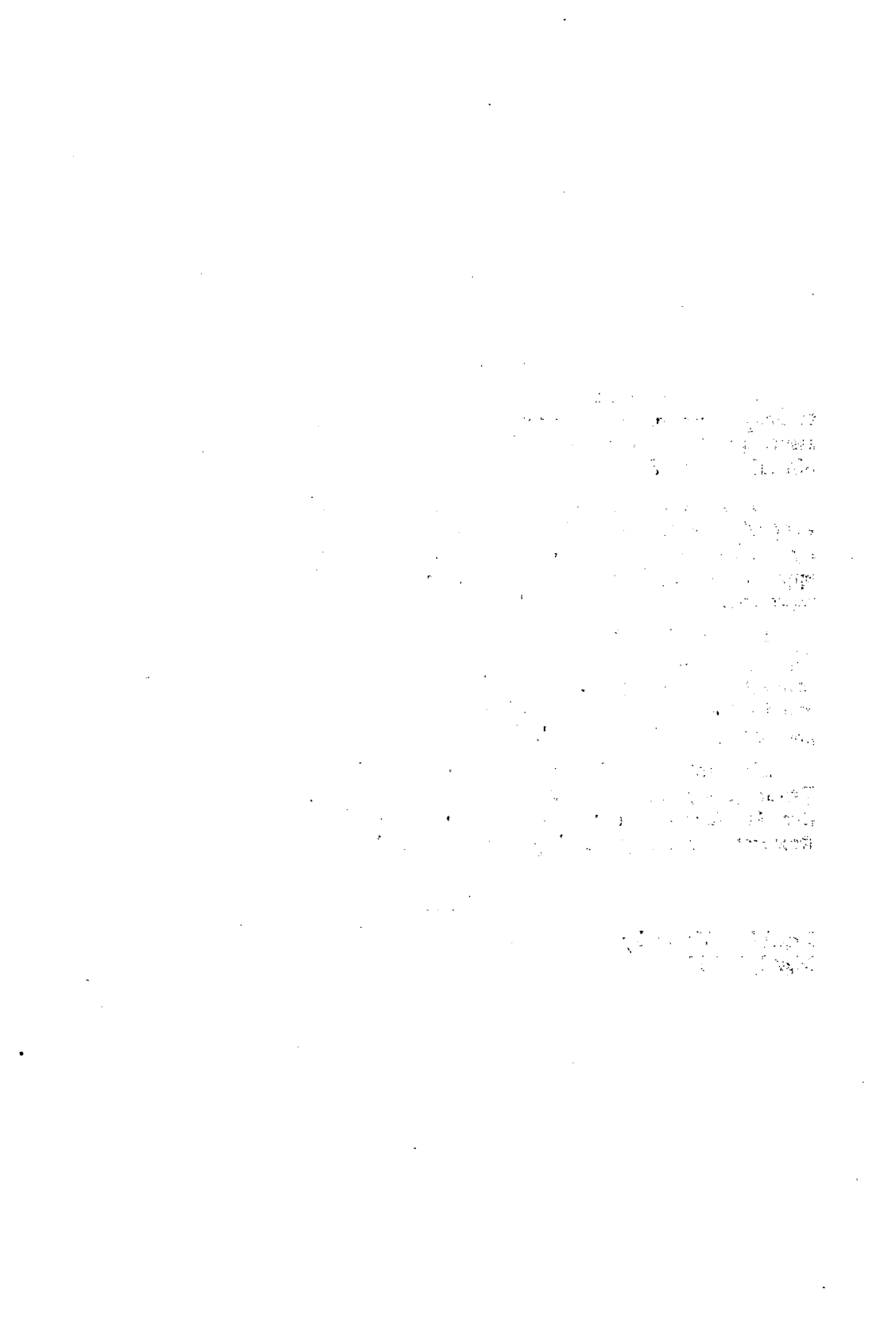
Under the provisions of Section 6.161 and 6.162 of the *Kentucky Revised Statutes,* the Legislative Research Commission is responsible for comparing, editing, correcting, and publishing the Journals as approved by each house of the General Assembly. This volume represents the fulfillment of that obligation.

The text of a bill is spread in full when it receives a first reading. The roll call on passage of a bill is indicated upon its receipt of a third reading. Simple and concurrent resolutions are printed when adopted and joint resolutions are treated as bills. A table of actions on bills and resolutions is appended.

Mrs. Betty S. Balch prepared the House Journal for the First Extraordinary Session of 1963. Mr. Courtenay J. Walker, Administrative Assistant to the Director, edited the copy for the Legislative Research Commission and prepared the index to this volume.

CHARLES WHEELER
Director

Frankfort, Kentucky
March 1, 1963



JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
COMMONWEALTH OF KENTUCKY
FIRST EXTRAORDINARY SESSION OF 1963

MONDAY, JANUARY 28, 1963
FIRST LEGISLATIVE DAY

At an Extraordinary Session of the General Assembly of the Commonwealth of Kentucky, held at the Capitol in the City of Frankfort, and begun on January 28, 1963, and in the one hundred seventy-first year of the Commonwealth, in compliance with a proclamation issued by the Governor of the Commonwealth, the House of Representatives was called to order by the Honorable Harry King Lowman, Speaker of the House of Representatives.

Prayer by the Reverend John C. Chenault of the First Christian Church of Frankfort.

The Clerk read the following proclamation:

TO THE GENERAL ASSEMBLY OF THE
COMMONWEALTH OF KENTUCKY

WHEREAS, the Supreme Court of the United States, in 1962, in the case of Baker v. Carr, 369 U.S. 186, has held that the federal courts have jurisdiction, under the Equal Protection Clause of the Constitution of the United States, to adjudicate cases claiming unequal apportionment of state legislative districts; and

WHEREAS, several states, under the direction of the federal courts, have been required to reapportion their legislative districts; and

WHEREAS, in the case of Schmied v. Combs, et al, now pending in the federal courts, the question of reapportionment of state legislative districts within Kentucky is before the court for consideration; and

WHEREAS, strong arguments have been presented to the effect that the present apportionment of the legislative districts of Kentucky will not meet the requirements of the federal court; and

WHEREAS, the Constitution of Kentucky requires that legislative districts be reapportioned by the General Assembly every ten years; and

WHEREAS, the last reapportionment of the State of Kentucky occurred in 1942; and

WHEREAS, the federal court has continued the case pending action by the General Assembly of Kentucky; and

WHEREAS, it may be impossible for the General Assembly to enact a reapportionment bill prior to the filing deadline for the May, 1963 Primary, at which time members of the General Assembly will be nominated; and

WHEREAS, it may be necessary to change said Primary in order that reapportionment may be accomplished before the deadline;

NOW, THEREFORE, pursuant to the power vested in me by Section 80 of the Constitution of Kentucky to convene the General Assembly into Extraordinary Session, I, Bert Combs, Governor of Kentucky, do issue this proclamation convening the General Assembly of Kentucky into Extraordinary Session at the seat of government at Frankfort, Kentucky, at 1:00 P. M., Eastern Standard Time, Monday, January 28, 1963, for the sole purpose of considering the following subjects:

(1) The amendment of Chapter 2 of the Acts of the 1942 General Assembly in Extraordinary Session (KRS 6.010 through KRS 6.040) as amended by Chapters 82 and 119 of the 1946 Acts of the General Assembly, to provide a fair and equitable apportionment of the General Assembly districts by population.

(2) The time for holding Primary elections for the nomination of candidates by political parties for any or all offices to be filled by the regular election in November 1963, by amending Chapter 107 of the 1952 Acts as amended by Chapter 78 of the 1956 Acts

You will, therefore, in accordance with this proclamation, assemble in Extraordinary Session at the seat of government at Frankfort, Kentucky, on the day and the hour above written, to consider the subjects herein mentioned and only those subjects.

Done at Frankfort, Kentucky, this 22nd day of December in the year of our Lord, one thousand nine hundred and sixty-two and in the year of the Commonwealth the one hundred and seventy-first.

BERT COMBS
Governor

HENRY CARTER
Secretary of State

The Clerk read the following certificate:

Commonwealth of Kentucky
Franklin County

I, Henry H. Carter, Secretary of State of the Commonwealth of Kentucky, do hereby certify that, according to the records in the office of the Secretary of State of the Commonwealth of Kentucky, and the best information obtainable, the attached is a true and correct list of the duly elected and qualified members of the General Assembly of the Commonwealth of Kentucky.

Given under my hand and seal of office this 28th day of January, 1963.

HENRY H. CARTER
Secretary of State
Commonwealth of Kentucky

1. Fulton, Hickman. Henry Maddox, Democrat, Hickman.
2. Ballard, Carlisle. Noah J. Geveden, Democrat, Wickliffe.
3. Graves. Lon Carter Barton, Democrat, Mayfield.
4. McCracken. Julian M. Carroll, Democrat, West Paducah.
5. McCracken. Fred Morgan, Democrat, Paducah.
6. Lyon, Marshall. Shelby McCallum, Democrat, Benton.
7. Calloway. Charlie Lassiter, Democrat, Murray.
8. Caldwell, Trigg. Virgil Smith, Democrat, Princeton.
9. Christian. John Morris Dixon, Democrat, Oak Grove.
10. Hopkins. Richard L. Frymire, Democrat, Madisonville.
11. Crittenden, Livingston. George F. Harris, Democrat, Salem.
12. Union. James Holloran, Democrat, Sturgis.
13. McLean, Webster. Milton Ashby, Democrat, Sebree.
14. Henderson. Lewis N. Johnson, Democrat, Henderson.
15. Daviess. Mrs. Louise Gasser Kirtley, Democrat, Owensboro.
16. Daviess. R. E. Hale, Democrat, Owensboro.
17. Muhlenberg. James P. Hahn, Democrat, Greenville.
18. Hancock, Ohio. Wayland Render, Republican, Centertown.
19. Todd. H. A. Hampton, Democrat, Trenton.
20. Logan. Paul E. Young, Democrat, Olmstead.
21. Allen, Simpson. Samuel R. McCracken, Jr., Democrat, Franklin.
22. Warren. A. E. Tucker, Democrat, Bowling Green.
23. Butler, Edmonson. Walter Browning, Republican, Brownsville.
24. Grayson. Damon Majors, Democrat, Caneyville.
25. Hardin. Sam H. Watkins, Democrat, Elizabethtown.
26. Breckinridge, Meade. A. R. Dyer, Democrat, McQuady.
27. Barren. Geo. J. Ellis, Jr., Democrat, Glasgow.
28. Metcalfe, Monroe. Wallace Bartley, Republican, Summer Shade.
29. Adair, Green. Thomas M. Watson, Republican, Knifley.
30. Marion, Taylor. James E. Whitlock, Democrat, Lebanon.

31. Hart, Larue. Jack D. Bunnell, Democrat, Hardyville.
32. Anderson, Nelson. Sam Houtchens, Democrat, Bloomfield.
33. Bullitt, Spencer. Leo A. Bleemel, Democrat, Shepherdsville.
34. Jefferson. James M. Caldwell, Republican, Louisville.
35. Jefferson. Jesse O. Johnson, Republican, Louisville.
36. Jefferson. Bruce E. Blythe, Jr., Republican, Louisville.
37. Jefferson. Louis E. Ballenger, Republican, Louisville.
38. Jefferson. Clarence R. Miller, Democrat, Louisville.
39. Jefferson. John W. Farmer, Democrat, Louisville.
40. Jefferson. F. V. Buky, Republican, Louisville.
41. Jefferson. Frank Wood, Republican, Louisville.
42. Jefferson. Mrs. Amelia M. Tucker, Republican, Louisville.
43. Jefferson. Elmer L. Leister, Republican, Louisville.
44. Jefferson. Jack Lesshafft, Republican, Louisville.
45. Mercer, Washington. Edwin Freeman, Democrat, Harrodsburg.
46. Boyle, Garrard. Howard P. Hunt, Jr., Democrat, Danville.
47. Madison. Willie W. Green, Democrat, Richmond.
48. Jessamine, Woodford. James T. Alexander, Democrat, Versailles.
49. Fayette. J. Y. Brown, Democrat, Lexington.
50. Fayette. R. P. Moloney, Democrat, Lexington.
51. Franklin. Ralph Bates, Democrat, Frankfort.
52. Shelby. Luther F. Morgan, Democrat, Shelbyville.
53. Oldham, Trimble. Harry W. Wood, Democrat, Milton.
54. Boone, Gallatin. Dan J. Roberts, Democrat, Walton.
55. Grant, Owen. Franklin Webster, Democrat, Williamstown.
56. Harrison, Scott. John Swinford, Democrat, Cynthiana.
57. Carroll, Henry. Louis T. Peniston, Democrat, New Castle.
58. Kenton. Russell R. Oelsner, Democrat, Park Hills.
59. Kenton. Vernor O. Cottengim, Democrat, Covington.
60. Kenton. John J. Isler, Democrat, Covington.
61. Kenton. Gus Sheehan, Jr., Democrat, Covington.
62. Campbell. Eugene A. Ostertag, Democrat, Fort Thomas.
63. Campbell. James E. Murphy, Democrat, Newport.
64. Bracken, Pendleton. Eugene B. Hancock, Democrat, Falmouth.
65. Mason. Mitchel B. Denham, M.D., Democrat, Maysville.
66. Fleming, Robertson. Herbert F. Fern, Democrat, Ewing.
67. Bourbon, Nicholas. Brooks Hinkle, Democrat, Paris.
68. Clark. Walker H. Wiseman, Democrat, Winchester.
69. Menifee, Montgomery. Otto Ingram, Democrat, Frenchburg.
70. Bath, Rowan. C. H. Hart, Democrat, Sharpsburg.
71. Lewis. Wayne Secrest, Republican, Vanceburg.
72. Greenup. L. H. Nicholls, Democrat, Greenup.
73. Carter. H. T. Sparks, Democrat, Olive Hill.
74. Knott, Magoffin. Carlos Huff, Democrat, Hindman.
75. Morgan, Wolfe. Carl Lacy, Democrat, Daysboro.
76. Breathitt, Lee. Thomas B. Howard, Democrat, Jackson.

77. Estill, Powell. Luther Patrick, Republican, Irvine.
78. Jackson, Owsley. William Vickers, Republican, Booneville.
79. Rockcastle. Money Ed Cummins, Republican, Mt. Vernon.
80. Lincoln. T. J. Hill, III., Democrat, Stanford.
81. Casey, Russell. Leonard E. Wilson, Republican, Jamestown.
82. Clinton, Cumberland. Claude R. Willen, Republican, Burkesville.
83. McCreary, Wayne. Archie Brown, Republican, Stearns.
84. Pulaski. Leonard Hislope, Republican, Somerset.
85. Whitley. Will K. Peace, Republican, Williamsburg.
86. Laurel. Paul W. Cornett, Republican, Mershons.
87. Knox. Mrs. Frances Jones Mills, Democrat, Gray.
88. Bell. Mason Slusher, Democrat, Beverly.
89. Harlan. Lawrence Lankford, Democrat, Cawood.
90. Harlan. Fielding S. Hensley, Republican, Harlan.
91. Clay, Leslie. John E. White, Republican, Manchester.
92. Letcher. W. R. Jordan, Democrat, Jenkins.
93. Perry. J. D. Smith, Democrat, Dwarf.
94. Pike. T. T. Colley, Democrat, Robinson Creek.
95. Pike. Gether Irick, Democrat, Stone.
96. Floyd. Allen Slone, Democrat, Blue River.
97. Floyd. Ben Martin, Democrat, Drift.
98. Johnson, Martin. Albert Dempsey, Republican, Inez.
99. Elliott, Lawrence. Russell Dobyns, Democrat, Louisa.
100. Boyd. Harry King Lowman, Democrat, Ashland.

The following Representatives produced their certificates of election, appeared before the presiding officer and were administered their oaths of office by the Honorable John S. Palmore, Judge of the Court of Appeals.

James M. Caldwell	Republican	Louisville
Noah J. Geveden	Democrat	Wickliffe
Henry Maddox	Democrat	Hickman

The roll was called. All present except Representatives Farmer, Harris, Hislope and F. Morgan.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Motions, Petitions, and Communications

HR 1, by Representative Moloney: A RESOLUTION adopting rules to govern the 1963 Extraordinary Session of the House of Representatives.

HR 1, A RESOLUTION adopting rules to govern the 1963 Extraordinary Session of the House of Representatives.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the rules adopted by the House of Representatives for the Regular Session of 1962 be adopted as the rules governing the Extraordinary Session beginning January 28, 1963.

Representative Moloney moved the adoption of **HR 1.** Agreed.

Recess

Representative Moloney moved that the House recess for twenty minutes for the purpose of Democratic caucus. Agreed.

At the appointed hour the Speaker resumed the Chair and called the House to order.

Motions, Petitions and Communications

HR 2, by Representative Moloney: A RESOLUTION authorizing appointment of a committee of the House to wait upon the Senate and the Governor.

HR 2, A RESOLUTION authorizing the appointment of a committee of the House to wait upon the Senate and the Governor.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That a committee of this House be appointed by the Speaker to wait upon the Senate and notify that body that this House is now organized and ready to proceed to the transaction of business and that said committee shall, in conjunction with a like committee from the Senate, wait upon the Governor and inform him that the General Assembly is now organized and ready to receive any communications he may desire to deliver.

Representative Moloney moved the adoption of **HR 2.** Agreed.

Pursuant to **HR 2** the following members were appointed by the Speaker: Representatives Geveden, Jordan, Dyer, Johnson and Cornett.

HR 3, by Representatives Cottengim, Isler, Murphy, Sheehan, Ostertag, Oelsner: A RESOLUTION honoring the late Representative Thomas P. Fitzpatrick.

HR 3, A RESOLUTION honoring the late Representative Thomas P. Fitzpatrick.

WHEREAS, Thomas P. Fitzpatrick, one of Kentucky's most illustrious sons, gave a lifetime of faithful service to the people of Kenton County and this Commonwealth; and

WHEREAS, the accomplishments and the services rendered to the citizens of this Commonwealth were such that it is deemed fitting and proper that his memory be perpetuated by inscribing some of his accomplishments upon the Journal of the House of Representatives as follows:

Thomas P. Fitzpatrick distinguished an active career of 46 years in politics by serving as mayor of Covington, sheriff of Kenton County, ten terms as a Representative in the General Assembly, Majority Caucus Chairman and Speaker of the House of Representatives.

He first entered the General Assembly in 1934, and remained through 1942. The next year he was elected mayor of his native Covington and in 1945 became sheriff of Kenton County.

He returned to the General Assembly in 1954 and remained a member until his death on June 22, 1962, having been elected to the office of Speaker of the House of Representatives in 1956; and

WHEREAS, his fellow members recognize the services so ably and generously rendered by him;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That when the House of Representatives do this day adjourn, they do so in memory of Thomas P. Fitzpatrick; and

That a copy of this Resolution be presented to Mrs. Ida Fitzpatrick.

Representative Cottengim moved the adoption of **HR 3.** Agreed.

HR 4, by Representative Moloney: A RESOLUTION extending an invitation to the pastors of Frankfort churches to open sessions of the House of Representatives with prayer.

HR 4, A RESOLUTION extending an invitation to the pastors of Frankfort churches to open sessions of the House of Representatives with prayer.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the Sergeant at Arms be directed to invite the pastors of the various churches to attend the meetings of this House and open the sessions thereof with prayer.

Representative Moloney moved the adoption of **HR 4.** Agreed.

The committee appointed to wait upon the Governor reported that the Governor was ready to address a Joint Session of the General Assembly.

The Senate entered upon the floor of the House.

Representative Moloney moved that the Senate and House go into Joint Session. Agreed.

Joint Session

The Speaker vacated the Chair, whereupon the Honorable Wilson Wyatt, Lieutenant Governor and President of the Senate, assumed the Chair and called the Joint Session to order.

Prayer by Reverend John C. Chenault of the First Christian Church of Frankfort.

Representative Moloney moved that the roll call be dispensed with. Agreed.

The Committee appointed to wait upon the Governor appeared with His Excellency, Bert Combs, Governor of the Commonwealth of Kentucky, who addressed the General Assembly as follows:

LIEUTENANT GOVERNOR WYATT,
MR. PRESIDENT PRO-TEM OF THE SENATE,
MR. SPEAKER OF THE HOUSE,
MEMBERS OF THE GENERAL ASSEMBLY:

Section 79 of the Constitution of Kentucky provides that the Governor shall "give to the General Assembly information of the state of the Commonwealth, and recommend their consideration of such measures as he may deem expedient."

This is the fifth time that I have met with you pursuant to this provision, and I must confess that I come here with feelings of both satisfaction and gratitude. The programs initiated by you in 1960 and expanded by you in 1962 have planted seed corn in the fields of education, highway construction, parks expansion, economic development, health and welfare. If these programs initiated by this Assembly are carried forward, Kentucky need never again be embarrassed by her standing among her sister states.

You are making it possible for **Kentucky to go first class.**

Let us review briefly some of these larger accomplishments.

In education, for example, Kentucky during the past two years has enjoyed the somewhat novel experience of being at the top rather than at the bottom of the list. In 1961 we led the nation in the rate of increase of financial support of public schools. We have added 3,595 classrooms to our public schools. We now have a classroom for every 26.3 pupils, which is very near the national average of 25.7 pupils per classroom. Our University and state colleges have $38 million worth of new classrooms, laboratories and dormitories completed or under construction. The establish-

ment of a community-college system is a recognized step forward in making higher education available to the youth of Kentucky. New vocational school buildings in six Kentucky communities will train more Kentuckians for better jobs. The educational television program authorized by this Assembly will soon supplement classroom instruction and give more modern educational methods to our boys and girls. Because of funds made available under your full financing of the minimum foundation program, many schools, especially those in our larger cities, have been able to avoid the double sessions to which so many other states have had to resort.

Kentucky's highway program is without parallel in the history of the state. Last year Kentucky improved more miles of highway than any other state except Texas, and Texas has an area six times that of the Commonwealth. Kentucky has opened 217 miles of four-lane highways to traffic, and we have 250 miles under construction and approaching completion. When the program is completed — and we are considerably ahead of schedule — we will have more than 1,035 miles of four-lane highways criss-crossing Kentucky, east to west and north to south. Kentucky's toll roads are an integral part of the over-all system.

New, modern lodges, lakes and facilities connected thereto are attracting more tourists to Kentucky than ever before. Last year 8,000,000 persons visited our parks in Kentucky, an increase of 28 per cent over the previous year. The value of our tourist trade has increased by more than 25 per cent during the past two years. Millions of out-of-state visitors not only spend money in Kentucky, but they help support improvement of our state by paying the sales tax, even as we pay the sales tax of the other states we visit.

We have improved the scenic beauty of our parks and highways so dramatically that last year Kentucky became the first state to receive the "Keep America Beautiful" National award.

The development of our private economy, industrial and agricultural, has kept pace with our government services. In 1961, Kentucky's rate of increase in personal income was first in the nation, and in 1962 it increased about 5 per cent over 1961. The Society of Industrial Realtors last year cited the economic development programs of Kentucky and New York as being the best in the nation. This was the second consecutive year that Kentucky was so recognized. And Governor Wyatt has very recently returned from New Orleans where he received that award on behalf of the Commonwealth. The multi-million dollar agricultural research center at the University of Kentucky will further boost Kentucky's rising farm income. In 1961, the state's gross farm income increased by $50,000,000. Net farm income increased 18 per cent, compared to the national average of 12 per cent. We expect 1962 to show a substantial increase over even this gratifying figure.

In the field of health and welfare Kentucky's progress has been equally impressive. Acquisition and operation of Outwood Veterans' Hospital is relieving overcrowded conditions at the Kentucky Training Home. This is the institution which you visited during the last session and which you so magnanimously provided with sufficient funds with which to make it possible to effect almost revolutionary changes for the benefit of our children. I hope some of you have an opportunity to go back to the Kentucky Training Home and see just what a little money, comparatively speaking, has done for these unfortunate citizens of Kentucky. Converted facilities at Waverly Hills Sanatorium in Louisville are being used as a much-needed center to house and treat the aged. We have plans – some progressive plans – for further housing the aged people of Kentucky. Ninety-nine counties now have health officers, where only 78 counties had them three years ago. Nineteen new county health centers have been built, and 66 counties now are served by such facilities.

The balanced tax program enacted in 1960 and preserved in 1962 has enabled the Commonwealth to contribute $3,394,000 in medical aid to the indigent and aged people of Kentucky during the past fiscal year. Grants to needy citizens over-all totalled $63,900,000, an increase of $2,300,000 over the previous year.

These accomplishments, I submit, are a tribute to the judgment, foresight and dedication of you, the members of this General Assembly. I think the people of Kentucky appreciate both the significance and the opportunity which these achievements represent, and I believe they will join with you and your fellow legislators to protect this progress as well as the tax program which makes it possible.

All of our problems have not been solved, of course. Indeed a most pressing problem now confronts us. Section 33 of the Kentucky Constitution directs the General Assembly to reapportion the legislative districts of the state every ten years. Actually, this mandate has been obeyed only three times under the present constitution – in 1906, 1918 and 1942. But this does not make the mandate less binding on us here today. On the contrary, events have left us neither legal nor moral alternative to prompt and conscientious obedience to this constitutional mandate.

In March of last year, the United States Supreme Court ruled that the Federal courts have jurisdiction to review allocations of state legislative seats. This, they said, was necessary in order to protect the people of America and Kentucky against the "invidious discrimination" forbidden by the 14th Amendment to the Constitution of the United States. On the next day I requested my staff to study the reapportionment problem. In June I invited all interested persons to meet with me here in Frankfort to discuss the

situation. A great many people did come – people representing a cross-section of the economic and political life of Kentucky. Four days later I appointed a 13-man commission on reapportionment, representing a cross-section of political life from every geographic region of Kentucky. The Commission designated Mr. Richard P. Moloney, a member of this Assembly, as its chairman. It did a great deal of work, and the Commission in its report urged me to call a special session of the General Assembly for the purpose of redistricting the legislative seats of Kentucky. Following this, I appeared before the Federal District Court in Louisville, in which the suit to compel immediate reapportionment was pending, and assured the presiding judges that I would call a special session. On December 22, I issued the appropriate proclamation.

The Commission on Reapportionment concluded that representation in Kentucky, though by no means as inequitable as in many other states, is unequal in both the House and the Senate. Under ideal conditions each senator would represent 79,951 people, each representative 30,380. As it is, nine senate and 51 house districts vary from the average by at least 25 per cent. These conditions exist as you know because in Kentucky, as elsewhere in America, people have been moving from farm and small town to the city. Between 1950 and 1960, eighty-seven of the state's 120 counties lost population. Ten counties diminished by more than 20 per cent. Ten others grew by more than 20 per cent. At present, 62½ per cent of the population elect only 47 per cent of the representatives and 55.2 per cent of the senators. A senator in Kentucky's largest district represents six times as many people as his fellow legislator from the smallest district. In the House the ratio is 17 to 1.

Under our state constitution, population is the only yardstick for measuring the fairness of districts. It is also, I might add, the main standard on which the federal courts base their judgments. This, of course, does not mean that reapportionment is a simple matter, or that you will not encounter serious difficulties in the accomplishment of this task which is your constitutional duty.

It may not always be possible to divide districts precisely. Under the Constitution, if it is not possible to draw districts with equal population, the advantage goes to the district having the largest area. And this is the only concession made in the Constitution to territory as distinguished from population. It is also provided in the Constitution that no part of a county shall be divided and added to another county to make a district; and the counties forming a district must be contiguous.

One of the most difficult problems is that the population of several larger counties, such as Jefferson or Fayette, is big enough to entitle the county to more than one representative or senator.

In these counties, the Assembly must draw the district lines so as to accomplish equality of representation within the county. Another problem is presented by the fact that Senators from even-numbered districts were elected in 1960 for constitutional terms of four years. And I take it that everybody will agree that all these Senators are entitled to serve out their term. If two or more such Senators should be placed in one new district, then we would have, temporarily, more than the constitutional number of 38 Senators, which I presume is prohibited by the Constitution.

From any viewpoint, yours is not an easy task. Numerous policy decisions must be made before a plan can be drawn. But as the Commission's report points out, it is your constitutional duty to make these necessary decisions, so that a fair and equitable redistricting bill may be enacted.

The Commission also recommended that a statistician be employed to determine the population of precincts and local government boundaries in those counties that will have more than one legislative District. Dr. Virgil Christian, Jr., Associate Professor of Economics at the University of Kentucky, has been employed for this service. He has been assembling data for several weeks and will be available to assist you. I and my staff also stand ready to give any assistance possible.

Let me urge you to turn quickly and seriously to the task at hand. There are some who say that the job of reapportioning is too fraught with political danger, and that you would be better advised to leave the job to the federal courts. This in my opinion is not the counsel of responsible or thoughtful men. And certainly it is not the counsel of men who are under a constitutional duty, as are you and I, to follow the plain mandates of the instrument which we have sworn to uphold. It is highly likely, of course, that the courts will be asked to review any plan enacted by this Assembly. Indeed, let me caution you to remember that unless the plan you produce here can meet the court test of fairness, it is quite probable — more than probable, I should say — that the courts will be called on to do the job we do not do. It is also true that any plan designed by the courts in my opinion would be less to our liking than a plan designed by this Assembly.

It is essential, too, that redistricting be achieved without undue delay so that candidates for office may have ample time to file declaration papers and to campaign before the May 28 primary. I do not believe that it is to the best interests of Kentucky, the voters or this Assembly to postpone the date of these primary elections, and I hope you will avoid doing so if possible.

Further than this, there is a burden of responsibility that rests on us here today as representatives of our democratic form of

government. Equal representation is the bedrock – the foundation – of democracy and of the blessings it brings to us.

We have heard a lot of talk here – I have engaged in it and so have you – about self-sacrifice for the good of the Commonwealth and our willingness to put the good of the people above our personal advantage. It just so happens that this occasion gives all of us an opportunity to do more than just pay lip-service to this cherished principle of democratic government.

The Commission developed three possible plans for each house of the Assembly. Maps, tables and appendices outlining each of these plans are contained in the Commission report, a copy of which has been furnished to each of you, and additional copies are available.

Professor Jack Reeves, Professor Malcolm Jewell and Professor Max Milam of the University of Kentucky have submitted plans. Professor Reeves has one for the House, Professor Milam one for the Senate, and Professor Jewell one for each house. These proposals disturb existing districts as little as possible so long as they fall within a uniform population range – the range, as I understand it, being approximately 25 per cent. Mayor William Cowger of Louisville has submitted a proposal for both Senate and House which would divide the state almost equally into average districts based on population. The Commission recommended that the Governor cause each of these plans to be drafted into legislative bill form. This has been done by the Legislative Research Commission staff, and copies are available.

In conclusion, because we all cherish the institution of self-government, let me again remind you that this right carries with it an obligation. If we are to demand the power to govern ourselves, we must be willing to shoulder the responsibilities of self-government. This is not a very pleasant task. Kentucky is not the worst offender in the nation. We could, I think, have an efficient and progressive form of government without redistricting this month or next month. But the point is that the Constitution says it shall be done. And then if we are to comply with our constitutional duties, we have got to face up to a compliance with the provisions of that Constitution. This, I think you will agree with me, is a job for Kentucky. It should be done by Kentuckians. I know, too, that you are equal to this task, if you set your shoulders to the wheel.

In your previous sessions you have shown yourself willing to face your obligations and to pay the price that progress demands. A majority of you have risked political oblivion several times to my knowledge in order to stand up and be counted for something you thought was good for Kentucky. You have shown the courage

to initiate bold new programs that have elevated Kentucky to the top positions in many progressive endeavors. I feel a deep conviction that you are also equal to the task of resolving our redistricting problems in a fair and equitable manner.

I submit this message to you; I leave the task in your hands. I am firmly of the opinion that once again the General Assembly of Kentucky will arise to the occasion and make us the first state in the nation – and we would be the first – to produce a redistricting act which is not subject to criticism by a federal court.

You have produced many firsts in the last three years. If you could do this – if you could be the first to actually comply with the Constitution and formulate and pass a redistricting act – the message would go out across America that Kentucky again has produced a first – a first in one of the progressive steps of a democratic government.

Representative Moloney moved the Joint Session be dissolved. Agreed.

The speaker resumed the Chair and called the House to Order.

Motions, Petitions and Communications

Representative Moloney announced that Representative Paul Young had been elected Chairman of the Democratic Caucus due to a vacancy created by the death of Thomas P. Fitzpatrick, former Chairman.

Representative Moloney moved that the House convene at 10:00 a. m., January 29, 1963. Agreed.

Representative Moloney moved that a public hearing be conducted on the subject of reapportionment immediately upon the conclusion of the business of the House. Agreed.

Representative Render announced that Representative Wallace Bartley had been elected Chairman of the Minority Caucus Committee due to a vacancy created by the resignation of Representative Charles Gaines.

Recess

Representative Bartley moved that the House recess for fifteen minutes for the purpose of holding a minority party caucus. Agreed.

At the appointed hour the Speaker resumed the Chair and called the House to order.

Motions, Petitions and Communications

Representative Bartley moved that one member of the minority party be included on the Committee on Committees.

The Speaker ordered a roll call be taken on said motion.

On the roll call, the vote was yeas 27—Ballenger, Bartley, Blythe, Archie Brown, Buky, Caldwell, Cornett, Cummins, Dempsey, Denham, Hensley, Jesse O. Johnson, Leister, Lesshafft, Patrick, Peace, Render, Secrest, Slone, Amelia M. Tucker, Vickers, Watson, White, Willen, Wilson, Frank Wood. Nays 61—Ashby, Barton, Bates, Bleemel, Bunnell, Carroll, Colley, Cottengim, Dixon, Dobyns, Dyer, Ellis, Farmer, Fern, Freeman, Frymire, Geveden, Green, Hahn, Hale, Hampton, Hart, Hill, Hinkle, Holloran, Houtchens, Howard, Huff, Hunt, Irick, Isler, Johnson, Jordan, Lacy, Lankford, Lassiter, McCallum, McCracken, Maddox, Majors, Miller, Mills, Moloney, Fred Morgan, Luther F. Morgan, Murphy, Nicholls, Oelsner, Ostertag, Roberts, Sheehan, Slusher, Smith, Sparks, Swinford, A. E. Tucker, Watkins, Webster, Whitlock, Wiseman, Young.

The motion to include a member of the minority party on the Committee on Committees was rejected.

Introduction of Bill

HB 1, by Representatives Ballenger, Caldwell, Buky, Blythe, F. Wood, Leister, Lesshafft, A. M. Tucker, and Oz Johnson: AN ACT relating to Representative Districts.

Representative Moloney moved that the House adjourn until 10:00 a. m., Tuesday, January 29, 1963. Agreed.

TUESDAY, JANUARY 29, 1963

SECOND LEGISLATIVE DAY

The House was called to order by the Speaker.

Prayer by Major Virl Alley of the Salvation Army, Frankfort.

The roll was called. All present except Representatives Blythe, J. Y. Brown, Hensley, Hislope, Sheehan, Mrs. A. M. Tucker, and H. Wood.

Motions, Petitions and Communications

The Speaker announced that Representative Gus Sheehan, Jr. was administered the Constitutional oath of office on January 28, 1963, by Doris Owens, Clerk of the Court of Appeals.

January 28, 1963

TO THE HOUSE OF REPRESENTATIVES:

This is to certify that I have this day administered the constitutional oath to Gus Sheehan, Jr., for the office of Representative for the 61st District of Kenton County, Kentucky, to which he was elected on November 6, 1962.

Given under my hand this the 28th day of January, 1963.

Signed, Doris Owens
Clerk of the Court of Appeals

Representative Mills moved that absent members be granted leave of absence. Agreed.

Representative Isler moved that the reading of the Journal of Monday, January 28, 1963, be dispensed with and the same be approved. Agreed.

Representative Moloney moved that Mr. John L. Kouns be elected Cloakroom Keeper and Mr. E. R. Hilton be elected Janitor to fill the vacancies created in those offices and that all other Constitutional officers retain their positions. Agreed.

Announcement

Representative Moloney announced that a public hearing on reapportionment will be conducted on this date at 11:00 a.m., on January 30 at 11:00 a.m. and on January 31 at 10:00 a.m.

Representative Moloney moved that the House adjourn until 1:00 p.m. Thursday, January 31, 1963. Agreed.

THURSDAY, JANUARY 31, 1963

THIRD LEGISLATIVE DAY

The House was called to order by the Speaker.

Prayer by the Reverend Paul R. Adkins of the First Baptist Church of Brownsville, Kentucky.

The roll was called. All present except Representatives Dempsey, Dixon, Dobyns, Harris, Howard, Lacy, Maddox, F. Morgan, Nicholls, Patrick, Peace, Sheehan, Watkins, and Wilson.

Motions, Petitions and Communications

The Speaker announced that John L. Kouns, Cloakroom Keeper, and E. R. Hilton, Janitor, were certified as Constitutional Officers on January 29, 1963, by Doris Owens, Clerk of the Court of Appeals.

TO WHOM IT MAY CONCERN:

This is to certify that I have this day administered the Constitutional Oath of Office to Mr. John L. Kouns as Cloakroom Keeper, and Mr. E. R. Hilton as Janitor for the House of Representatives for the Special Session.

This the 29th day of January, 1963.

Doris Owens
Clerk of the Court of Appeals

Representative Mills moved that absent members be granted leave of absence. Agreed.

Representative Isler moved that the reading of the Journal of Tuesday, January 29, 1963, be dispensed with and the same be approved. Agreed.

Representative Moloney moved that the rules be suspended for the purpose of introducing a resolution. Agreed.

Introduction of Resolution

HR 5, by Representative Moloney: A JOINT RESOLUTION making an appropriation to the Legislative Research Commission for expenses incurred in connection with the First Extraordinary Session of 1963 of the General Assembly, and declaring an emergency.

Recess

Representative Moloney moved that the House recess for a meeting of the Rules Committee. Agreed.

The Speaker resumed the Chair and called the House to order.

Report of Committee

Committee on Rules reported **HR 5** with the expression of opinion that same should pass. Read at length for the first time and ordered placed in the Calendar.

HR 5, A JOINT RESOLUTION making an appropriation to the Legislative Research Commission for expenses incurred in connection with the First Extraordinary Session of 1963 of the General Assembly, and declaring an emergency.

WHEREAS, additional personnel are necessary to properly expedite the business of the Senate and the House of Representatives; and

WHEREAS, the present appropriation of the Legislative Research Commission is insufficient to provide adequate service to the General Assembly;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That there be appropriated out of the General Expenditure Fund, to the Legislative Sessions Fund, for the payment of salaries and other expenses of the First Extraordinary Session of 1963 of the General Assembly, the sum of nine thousand dollars per calendar day during the First Extraordinary Session of 1963.

Section 2. That there be appropriated out of the General Expenditure Fund, to the Legislative Research Commission, for the purpose of providing additional services to the General Assembly during the First Extraordinary Session of 1963 of the General Assembly, the sum of one thousand seven hundred and fifty dollars per calendar day during the First Extraordinary Session of 1963.

Section 3. The appropriations made in Sections 1 and 2 of this resolution shall be available for expenditure during the 1962-1963 fiscal year.

Section 4. Whereas, the General Assembly is now in session and it is necessary that funds be available immediately, an emergency is declared to exist and this resolution shall become effective upon its passage and approval by the Governor, and shall be retroactive to include payment of compensation to such personnel from and including January 28, 1963.

Representative Moloney moved that the House adjourn until 4 p.m. Monday, February 4, 1963. Agreed.

MONDAY, FEBRUARY 4, 1963

SIXTH LEGISLATIVE DAY

The House was called to order by the Speaker.

Prayer by the Reverend Herman M. Bowers of the First Baptist Church of Frankfort.

The roll was called. All present except Representatives J. Y. Brown, Farmer, Freeman, Frymire, Hampton, Hensley, F. Morgan, and Young.

Representative Mills moved that absent members be granted leave of absence. Agreed.

Representative Isler moved that the reading of the Journal of Thursday, January 31, 1963, be dispensed with and the same be approved. Agreed.

Calendar

HR 5 taken from the Calendar and ordered read at length for the second time. Representative Moloney moved that it be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Introduction of Resolutions

HR 6, by Representatives Dyer and Green: A CONCURRENT RESOLUTION honoring and congratulating the Madison Central High School Band in Richmond, Kentucky, for its appearance in the Orange Bowl Parade.

HR 7, by Representatives Green, Dyer, and Harris: A CONCURRENT RESOLUTION honoring and congratulating the Crittenden County High School Band in Marion, Ky. for its appearance in the Orange Bowl Parade.

Representative Moloney moved that the House adjourn until 11 a.m., Tuesday, February 5, 1963. Agreed.

TUESDAY, FEBRUARY 5, 1963

SEVENTH LEGISLATIVE DAY

The House was called to order by the Speaker.

Prayer by the Reverend Charles N. King, of the Corinthian Baptist Church of Frankfort.

The roll was called. All present except Representatives J. Y. Brown, Cottengim, Freeman, F. Morgan, Murphy, and Slone.

Representative Mills moved that absent members be granted leave of absence. Agreed.

Representative Isler moved that the reading of the Journal of Monday, February 4, 1963, be dispensed with and the same be approved. Agreed.

Motions, Petitions, and Communications

Representative Moloney moved that a Committee be appointed by the Speaker to express sympathy to Representative Martin, whose brother died.

The following members were appointed by the Speaker: Slone, H. W. Wood, Bartley, and Moloney.

Orders of the Day

HR 5 taken from Orders of the Day and ordered read at length for the third time. Representative Moloney moved that it be read by title only. Agreed by a majority of members elected.

On the roll call, the vote was yeas 86—Alexander, Ashby, Ballenger, Bartley, Barton, Bates, Bleemel, Blythe, Archie Brown, Browning, Buky, Bunnell, Caldwell, Carroll, Colley, Cornett, Cummins, Dempsey, Dixon, Dobyns, Dyer, Ellis, Fern, Geveden, Green, Hahn, Hale, Hampton, Hancock, Harris, Hart, Hensley, Hill, Hislope, Holloran, Houtchens, Howard, Huff, Hunt, Ingram, Irick, Isler, Jesse O. Johnson, Lewis N. Johnson, Jordan, Kirtley, Lacy, Lankford, Lassiter, Leister, Lesshafft, McCallum, McCracken, Maddox, Majors, Miller, Mills, Moloney, Luther F. Morgan, Nicholls, Oelsner, Ostertag, Patrick, Peace, Peniston, Render, Roberts, Secrest, Sheehan, Slusher, J. D. Smith, Sparks, Swinford, A. E. Tucker, Amelia M. Tucker, Vickers, Watkins, Watson, Webster, White, Whitlock, Willen, Wilson, Wiseman, Harry W. Wood, Young. Nays 0.

HR 5 was passed and the title agreed to.

Representative Moloney moved that the vote by which **HR 5** was passed be reconsidered and said motion be laid on the table. Agreed.

Introduction of Resolution

HR 8, by Representatives A. Brown, Peace, Bartley, White, Cornett, Patrick, Willen, Slone, Hensley, and Martin: A CONCURRENT RESOLUTION relating to Devils Jump Dam.

Announcement

Representative Young announced a Majority Party Caucus immediately after adjournment.

Representative Moloney moved that the House adjourn until 11 a.m., Wednesday, February 6, 1963. Agreed.

WEDNESDAY, FEBRUARY 6, 1963

EIGHTH LEGISLATIVE DAY

The House was called to order by the Speaker.

Prayer by Monsignor Joseph A. O'Dwyer of the Church of the Good Shepherd of Frankfort.

The roll was called. All present except Representatives J. Y. Brown, Harris, Hinkle, McCallum, Martin, F. Morgan, and V. Smith.

Representative Mills moved that absent members be granted leave of absence. Agreed.

Representative Isler moved that the reading of the Journal of Tuesday, February 5, 1963, be dispensed with and the same be approved. Agreed.

Announcements

Representative Young announced that there would be a Majority Party Caucus immediately upon adjournment.

Representative Bartley announced that there would be a Minority Party Caucus immediately upon adjournment.

Representative Moloney moved that the House adjourn until 11 a.m., Thursday, February 7, 1963. Agreed.

THURSDAY, FEBRUARY 7, 1963

NINTH LEGISLATIVE DAY

The House was called to order by the Speaker.

Prayer by the Reverend Charles N. King of the Corinthian Baptist Church of Frankfort.

The roll was called. All present except Representatives J. Y. Brown, Frymire, Hill, Hinkle, McCracken, Martin, Slone, V. Smith, Wilson, and H. Wood.

Representative Mills moved that absent members be granted leave of absence. Agreed.

Representative Isler moved that the reading of the Journal of Wednesday, February 6, 1963, be dispensed with and the same be approved. Agreed.

Motions, Petitions and Communications

HR 10, by Representative Moloney: A RESOLUTION expressing sympathy to Representative Ben Martin on death of his brother.

HR 10, A RESOLUTION extending sympathy to Representative Ben Martin upon the death of his brother.

WHEREAS, the members of the House of Representatives have learned of the death of the brother of Ben Martin, one of their members; and

WHEREAS, the members of the House of Representatives are in deep sympathy with Representative Martin;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the members of the House of Representatives of the General Assembly of the Commonwealth of Kentucky extend their sympathy to Representative Ben Martin upon the death of his brother.

Section 2. That a copy of this resolution be delivered to Representative Ben Martin.

Representative Moloney moved the adoption of **HR 10.** Agreed.

Representative Moloney moved that when the House adjourn tomorrow it do so until 1 p.m., Wednesday, February 13, 1963. Agreed.

Representative Moloney moved that when the House adjourns today it convene on February 8, 1963, at 10 a.m. Agreed.

HR 9, by Representative Dempsey: A RESOLUTION requesting the Governor to amend his proclamation of December 22, 1962, to permit the reapportionment of appellate court districts.

HR 9, A RESOLUTION requesting the Governor to amend his proclamation of December 22, 1962, calling the General Assembly into extraordinary session, so as to permit the General Assembly to reapportion the appellate court districts of this state.

WHEREAS, Section 116 of the Constitution of Kentucky provides that the General Assembly may each ten years redistrict the state for the purpose of electing Judges of the Court of Appeals; and

WHEREAS, seventy years have elapsed since the districts of the Court of Appeals were last redistricted; and

WHEREAS, Section 116 of the Kentucky Constitution requires that such appellate court districts be as nearly equal in population and as compact in form as possible; and

WHEREAS, the passage of many years has brought about gross inequities in the population of such appellate court districts, contrary to the letter and the spirit of Section 116 of the Kentucky Constitution; and

WHEREAS, the Court of Appeals has been ready and eager at all times to assist the General Assembly in performing its function of redistricting senatorial and representative districts under Section 33 of the Kentucky Constitution, and the General Assembly feels that it is obligated to respond in kind by accomplishing a reapportionment of the districts from which the Judges of the Court of Appeals are elected; and

WHEREAS, Professors Reeves and Jewell have maintained in a convincing manner that a 25% deviation in the population of representative districts is excessive; and

WHEREAS, there exists in the appellate court districts as much as 100% deviation in population, which the General Assembly confidently feels would lead to the invalidation of such districts if the standard expressed in *Baker v. Carr* were applied; and

WHEREAS, the General Assembly is anxious to apply to the districts from which Judges of the Court of Appeals are elected the same attention which has been given to its own districts, and to avoid expensive and embarrassing litigation that might be brought challenging the validity of such appellate court districts on grounds that the inequalities in population thereof are violative of the Fourteenth Amendment to the Constitution of the United States; and

WHEREAS, the General Assembly is ready and willing to assume its full responsibilities under Section 116 of the Kentucky Constitution without delay;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

That his excellency, the Governor of Kentucky, is requested to amend his proclamation of December 22, 1962, calling the General Assembly into extraordinary session, so that the General Assembly may consider, in addition to the subjects specified in such proclamation, the reapportionment of districts for the election of the Judges of the Court of Appeals; and that the Clerk of the House shall transmit a copy of this resolution to the Governor of this Commonwealth.

Representative Dempsey moved the adoption of **HR 9.** Agreed.

Representative Render moved that when the House adjourn on Friday, February 8, 1963, it do so in memory of Abraham Lincoln. Agreed.

Introduction of Bill

HB 2, by Representatives Denham, Hancock, Geveden, Maddox, Peniston, Fern, Ingram, Webster, H. Wood, L. Morgan, Dobyns, Colley, White, Watson, Peace, Dempsey, Vickers, Lassiter, Nicholls, Barton, Sparks, Wiseman, J. D. Smith, Willen, Bartley, Majors, Alexander, Green, and Hislope: AN ACT relating to Representative Districts.

Announcements

Representative Bartley announced that there would be a Minority Party Conference today immediately upon adjournment.

Representative Swinford moved that the House recess until 1:30 p.m. today.

On the roll call, the vote was yeas 64—Alexander, Ashby, Ballenger, Bartley, Barton, Bates, Bleemel, Archie Brown, Browning, Buky, Bunnell, Caldwell, Carroll, Cornett, Cottengim, Cummins, Dempsey, Dobyns, Dyer, Ellis, Fern, Green, Hale, Hensley, Hislope, Houtchens, Howard, Huff, Ingram, Irick, Jesse O. Johnson, Jordan, Lacy, Lankford, Lassiter, Lesshafft, Maddox, Majors, Miller, Mills, Luther F. Morgan, Murphy, Nicholls, Oelsner, Ostertag, Peace, Render, Roberts, Sheehan, Slusher, J. D. Smith, Sparks, A. E. Tucker, Amelia M. Tucker, Vickers, Watkins, Watson, Webster, White, Whitlock, Willen, Wiseman, Frank Wood, Young. Nays 1—Peniston.

The motion to recess was adopted.

At the appointed hour the Speaker resumed the Chair and called the House to order.

Senate Message

Announcing passage of **HR 5.**

Report on Enrolled Bills

Committee on Enrollment reported that **HR 5** had been examined and found correctly enrolled. **HR 5** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

HR 5 delivered, signed by President. Ordered delivered to the Governor.

Representative Swinford moved that the House adjourn until 10 a.m., Friday, February 8, 1963. Agreed.

FRIDAY, FEBRUARY 8, 1963

TENTH LEGISLATIVE DAY

The House was called to order by Representative Fred Morgan.

Prayer by the Reverend Robert J. Laughlin of the First Presbyterian Church of Frankfort.

The roll was called. All present except Representatives Ballenger, Bleemel, Carroll, Dempsey, Ellis, Freeman, Frymire, Geveden, Hampton, Harris, Hart, Hensley, Hinkle, Houtchens, O. Johnson, McCallum, McCracken, Maddox, Martin, Miller, Moloney, Peace, V. Smith, Willen and Young.

Representative Mills moved that absent members be granted leave of absence. Agreed.

Representative Isler moved that the reading of the Journal of Thursday, February 7, 1963, be dispensed with and the same be approved. Agreed.

Motions, Petitions and Communications

HR 11, by Representatives Green, Patrick, Dyer, Hale, Whitlock, Hunt and Blythe: A CONCURRENT RESOLUTION honoring the late George L. Bagby.

HR 11, A CONCURRENT RESOLUTION honoring the late George L. Bagby.

WHEREAS, George L. Bagby, while gaining his greatest distinction in areas other than Kentucky, always retained his ties with Kentucky and often exhibited his devotion to this Commonwealth and its people; and

WHEREAS, he showed his faith in Kentucky's youth by leaving the bulk of a large estate to establish a scholarship fund that could provide as many as five thousand scholarships each year for college students; and

WHEREAS, the devotion and benevolence bestowed upon the people of this Commonwealth were such that it is deemed fitting and proper that his memory be perpetuated by inscribing some of his accomplishments upon the Journals of the Senate and House of Representatives as follows:

George L. Bagby was born in Carter County. At the age of 12 he had gained such distinction in music that he soon toured the world in pursuing his musical studies.

He studied at the Cincinnati School of Music and while yet at an early age studied and composed music in Florence and Venice, Italy.

Some of his musical compositions were assembled in the Earl Carroll production of the musical, "Fioretta." Among his better known tunes were "Dreamboat" and "Gliding Gondola."

Mr. Bagby served as host to numerous gatherings of music notables in his suite in the Waldorf-Astoria Hotel in New York.

He was formerly chairman of the Bagby Music Lovers Foundation in New York, which had as its objective the contribution of pensions among needy musicians and the giving of awards for distinguished service to music.

His family aided in the establishment of Morehead State College through grants and the donation of campus land, and during his lifetime he established numerous scholarships at Morehead and other schools.

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

That the Senate and House of Representatives be recorded as recognizing the generosity of George L. Bagby to the people of Kentucky and showing its appreciation therefor.

That the Clerk of the House of Representatives transmit copies of this resolution to Benjamin Ault Bagby and George Eades Bagby, Huntington, W. Va.; Lillian Bagby Wollin, William Rardin Bagby, Aurella Bagby Wollin Price and John Bagby, of Lexington, Ky.; and Mrs. Dorothy M. Wollin Sutterfield, Georgetown, Ky.

Representative Green moved the adoption of **HR 11.** Agreed.

HR 12, by Representatives Cottengim, Oelsner, Murphy, Roberts, Isler, Hahn, Webster, Swinford, Hunt, Green, Bunnell, A. E. Tucker, H. Wood L. Morgan, Amelia Tucker, Ostertag and Sheehan: A RESOLUTION urging retention of the IRS Data Processing Center in the City of Covington.

HR 12, A RESOLUTION urging retention of the Internal Revenue Service data processing center in the City of Covington.

WHEREAS, the Federal Internal Revenue Service had planned to establish a data processing center in the city of Covington; and

WHEREAS, the beloved Brent Spence, former Congressman from the old Fifth District of northern Kentucky, was instrumental in obtaining the location of this facility; and

WHEREAS, in reliance upon the announced intentions of the Federal Government the city of Covington has already acquired land

for such site at a cost of about $1,820,000, and had planned to permit private parties to construct a building for the facility to be leased to the Internal Revenue Service; and

WHEREAS, in addition to the expense of acquiring the site, the city of Covington had anticipated revenue from taxes placed upon the private owners of the building in which the facility would be housed; and

WHEREAS, the General Services Administration has now announced that it has decided to construct the data-processing center itself, and will contain its processing of tax-form data in rented offices in Cincinnati until a new facility is ready; and

WHEREAS, this change in policy on the part of the General Service Administration not only jeopardizes the investment already undertaken by the city of Covington, but also raises doubt about the location of this facility in the city of Covington or any other part of this Commonwealth;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

That the Hon. Frank Chelf, member of Congress representing the Fourth District, is urged to exercise his good office in retaining the proposed data processing facility in the city of Covington, and in permitting the city of Covington to keep performing until completion of such facility the arrangements it has already undertaken; and that the Clerk of the House be directed to forward a copy of this resolution to the Hon. Frank Chelf.

Representative Cottengim moved the adoption of **HR 12.** Agreed.

Representative Swinford moved that the House adjourn until 1 p.m., Wednesday, February 13, 1963.

WEDNESDAY, FEBRUARY 13, 1963

THIRTEENTH LEGISLATIVE DAY

The House was called to order by the Speaker.

Prayer by the Reverend James A. Shepherd of the First Methodist Church of Frankfort.

The roll was called. All present except Representatives Blythe, Dempsey, Dyer, Frymire, Hensley, Houtchens, Irick, Maddox, Majors, Mills, Moloney, Sheehan, Slone, Slusher and Wilson.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Isler moved that the reading of the Journal of Friday, February 8, 1963, be dispensed with and the same be approved. Agreed.

Recess

Representative Swinford moved that the House recess until 2:30 p.m. Agreed.

Representative Young announced that there would be a Majority Party conference during the recess.

Representative Ballenger announced that there would be a Minority Party conference during the recess.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Motions, Petitions and Communications

Representative Hill moved that the rules be suspended to read a concurrent resolution which was on the Clerk's Desk for the purpose of introduction. The motion was rejected for lack of a second.

Introduction of Bill and Resolution

HB 3, by Representatives Moloney, Miller, Bleemel, Jordan, L. Johnson, Swinford, Young, Colley, Murphy, Hahn, Ellis, Irick, Howard, Hale, Isler, Lankford, Huff, A. E. Tucker, Martin, Dixon, Ostertag, Cottengim, J. Y. Brown, Slusher, Oelsner, Bunnell, Farmer, and J. D. Smith: AN ACT relating to Legislative Districts.

Representative Colley moved that the signature of Representative R. P. Moloney which appears on the original **HB 3** be accepted as his true signature. Agreed.

HR 13, by Representative Hill: A CONCURRENT RESOLUTION fixing the latest date of adjournment of the General Assembly.

Representative Swinford moved that the Rules be suspended in order to make a motion to withdraw **HB 3** in order to introduce it at a later date. The motion was rejected for lack of a second.

Representative Young moved that the House adjourn until 10 a.m., Thursday, February 14, 1963. Agreed.

THURSDAY, FEBRUARY 14, 1963

FOURTEENTH LEGISLATIVE DAY

The House was called to order by the Speaker.

Prayer by the Reverend Herman M. Bowers of the First Baptist Church of Frankfort.

The roll was called. All present except Representatives Dempsey, Hinkle, Houtchens, Howard, McCallum, Moloney, F. Morgan, and Wilson.

Representative Mills moved that absent members be granted leave of absence. Agreed.

Representative Isler moved that the reading of the Journal of Wednesday, February 13, 1963, be dispensed with and the same approved. Agreed.

Recess

The Speaker announced that there would be a thirty minute recess for the purpose of having a Rules Committee Meeting if there was no objection. Agreed.

At the appointed hour the Speaker resumed the Chair and called the House to order.

Motions, Petitions and Communications

HR 14, by Representative Bates: A RESOLUTION urging Congress to continue support of the tobacco research program at the Agricultural Science Center of the University of Kentucky.

HR 14, A RESOLUTION urging Congress to continue support of the tobacco research program at the Agricultural Science Center of the University of Kentucky.

WHEREAS, during 1960 and 1961 there was appropriated and allocated by the General Assembly, for an Agricultural Science Center at the University of Kentucky and for tobacco research at such Center, more than $1 million; and

WHEREAS, the Governor of this Commonwealth subsequently made available an additional $1 million for construction and research at such center; and

WHEREAS, in 1962 there was appropriated and allocated by the General Assembly more than $2 million for construction and research at such center; and

WHEREAS, the Congress of the United States has appropriated since 1960 more than $200,000 each year to the Agricultural Research Service for tobacco research, a large portion of which has been allocated to the Agricultural Research Center of the University of Kentucky for this project; and

WHEREAS, tobacco ranks fifth as a crop in terms of income to farm families, and provides the raw material for one of the major industries in the United States; and

WHEREAS, tobacco taxes contribute approximately $2.5 billion annually to the support of federal, state and local governments; and

WHEREAS, scientific and technical changes have greatly affected American agriculture as a whole, but tobacco has been heretofore neglected in terms of an adequate scientific research program; and

WHEREAS, extensive construction has already been accomplished at the Agricultural Science Center of the University of Kentucky; new tobacco research is already under way at such center; and such center is now provided and equipped for that purpose with expensive scientific equipment specifically developed for tobacco research, including environmental control units, spectrophotometers, strain gauge controls, time lapse cameras, dynamic test machines and precision strain gauge load controls; and

WHEREAS, continuance of the tobacco research program at the Agricultural Science Center of the University of Kentucky would be to the advantage of this Commonwealth and the nation generally, by avoiding uneconomical duplication of research efforts and expenses incident thereto;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The Congress of the United States and the Department of Agriculture of the United States are urged to continue their support, through adequate appropriations and allocations, of tobacco research on all kinds of tobacco at the Agricultural Science Center of the University of Kentucky, supplementing appropriations and allocations heretofore made and hereafter to be made by this Commonwealth.

Section 2. The Clerk of the House of Representatives shall send a copy of this resolution to the presiding officer and chief clerk of each chamber of the Congress of the United States, to the Secretary of Agriculture of the United States and to each member of the Kentucky congressional delegation.

Representative Bates moved the adoption of **HR 14.** Agreed.

HR 15, by Representatives J. D. Smith, Huff, Slusher, Martin and Jordan: A RESOLUTION requesting the President of the United Mine Workers of America, and the Board of Directors of the U.M.W.A.

Welfare and Retirement Fund to continue operations of their hospitals in Hazard, Whitesburg, McDowell, and Middlesboro, Kentucky.

HR 15, A RESOLUTION requesting the President of the United Mine Workers of America, and the Board of Directors of the U.M.W.A. Welfare and Retirement Fund to continue operations of their hospitals in Hazard, Whitesburg, McDowell, and Middlesboro, Kentucky.

WHEREAS, these hospitals care for the beneficiaries of the U.M.W.A. Welfare and Retirement Fund, and in some cases are the only hospitals available for these beneficiaries; and

WHEREAS, these hospitals also are available for the general public and, if closed, some local communities will be deprived of the only hospitalization within any reasonable distance; and

WHEREAS, these hospitals contribute greatly to the economy of their respective areas, and the closing of said hospitals will cause many persons to lose their employment; and

WHEREAS, any additional unemployment in Eastern Kentucky will only serve to injure an ailing economy;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the President of the United Mine Workers of America and the Board of Directors of the U.M.W.A. Welfare and Retirement Fund reconsider any decision they may have made concerning the cessation of operations at the above named hospitals and that they take into consideration the fact that the blood, sweat, and labor of thousands of loyal Eastern Kentuckians were expended toward the goal of acquiring this wonderful chain of hospitals, and that these hospitals now represent the ultimate in services for their respective areas.

Also, consideration should be given to the many thousands of citizens who will be left without hospital facilities, U.M.W.A. Retirement and Welfare Fund beneficiaries and non-beneficiaries alike and that the President of the United Mine Workers of America and the Board of Directors of the U.M.W.A. Welfare and Retirement Fund should continue operations of the aforementioned hospitals located at Hazard, Whitesburg, McDowell, and Middlesboro, Kentucky until such time, when, and if, it is possible to implement such change of operational ownership in such a manner as to not deprive any community, any U.M.W.A. Retirement and Welfare Fund beneficiary, or any citizen of adequate hospital facilities.

Section 2. That the clerk of the House of Representatives shall cause copies of this resolution to be forwarded to the President of

the United Mine Workers of America, and to the members of the Board of Directors of the U.M.W.A. Welfare and Retirement Fund.

Representative Smith moved the adoption of **HR 15.** Agreed.

Introduction of Bill

HB 4, by Representatives White, Cornett and Hislope: AN ACT relating to elections.

Announcement

The Speaker announced that the Rules Committee voted to meet at 2 p.m., Monday, February 18, 1963.

Representative Swinford moved that when the House adjourn today that it do so until 4 p.m., Monday, February 18, 1963.

On roll call, the vote was yeas 59—Ashby, Ballenger, Bartley, Barton, Bates, Bleemel, John Young Brown, Browning, Buky, Bunnell, Caldwell, Carroll, Colley, Denham, Dixon, Dobyns, Dyer, Ellis, Fern, Freeman, Frymire, Geveden, Green, Hahn, Hampton, Hancock, Harris, Hart, Hensley, Hill, Howard, Huff, Irick, Jordan, Lacy, Lankford, Leister, McCallum, McCracken, Majors, Martin, Luther F. Morgan, Murphy, Ostertag, Peace, Render, Roberts, Slusher, J. D. Smith, Virgil Smith, Sparks, Swinford, A. E. Tucker, Amelia M. Tucker, Webster, White, Whitlock, Wiseman, Harry W. Wood. Nays 17—A. Brown, Cornett, Cottengim, Hale, Holloran, Hunt, O. Johnson, Lassiter, Lesshafft, Maddox, Nicholls, Oelsner, Peniston, Secrest, Sheehan, Slone, and Watson.

The motion to convene at 4 p.m., Monday, February 18, 1963, was adopted.

The Speaker vacated the Chair. Representative Kirtley presided.

The Speaker resumed the Chair.

Representative Swinford moved that the House adjourn until 4 p.m., Monday, February 18, 1963. Agreed.

MONDAY, FEBRUARY 18, 1963

SEVENTEENTH LEGISLATIVE DAY

The House was called to order by the Speaker.

Prayer by Reverend H. Ward Jackson of the Church of the Ascension of Frankfort.

The roll was called. All present except Representatives Frymire, Hensley, Hislope, Mills and Patrick.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Isler moved that the reading of the Journal of Thursday, February 14, 1963, be dispensed with and the same approved. Agreed.

The Speaker vacated the Chair. Representative Fred Morgan presided.

Senate Message

Announcing passage of **HR 11.**

Representative Lowman placed a brass plaque on the desk formerly occupied by Mary Elliott Flannery who was the first woman representative South of the Mason-Dixon Line, after which he spoke honoring her memory.

The Speaker resumed the Chair.

Representative Moloney moved that when the House adjourn it do so until 11 a.m., Tuesday, February 19, 1963. Agreed.

Representative Peace moved that the House adjourn until 11 a.m., Tuesday, February 19, 1963. Agreed.

TUESDAY, FEBRUARY 19, 1963

EIGHTEENTH LEGISLATIVE DAY

The House was called to order by the Speaker.

Prayer by Reverend H. Ward Jackson of the Church of the Ascension of Frankfort.

The roll was called. All present except Representatives Alexander, Cummins, Denham, Frymire, Hislope, Mills, Patrick and Wilson.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Isler moved that the reading of the Journal of Monday, February 18, 1963, be dispensed with and the same be approved. Agreed.

Recess

Representative Moloney moved that the House recess until 12:30 p.m. for a Rules Committee Meeting. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Report of Committee

Committee on Rules reported **HB 3** with the expression of opinion that the same should pass with committee amendments attached thereto. Read at length for the first time and ordered placed in the Calendar.

HB 3, AN ACT relating to Legislative Districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 6.030 is amended to read as follows:

Kentucky is divided into the following representative districts:

(1) First District. Ballard, Carlisle, Fulton and Hickman Counties.

(2) Second District. Graves County.

(3) Third District. That part of the County of McCracken which on October 1, 1942 embraced the following voting precincts: Scott, Kennedy, Rogers, Savage No. 1, Savage No. 2, Bernhard No. 1, Bernhard No. 2, Yancey, Park No. 1, Park No. 2, Avondale, Gott, Durrett, Henneberger, Plow Factory, Gallman, Rieke, Williams, Cecil, Lang, Maxon, Lemont, Woodville, Grahamville No. 1, Grahamville No. 2, Rossington, and Ragland.

(4) Fourth District. That part of the County of McCracken which on October 1, 1942 embraced the following voting precincts:

Berry, North Side Court House, South Side Court House No. 1, South Side Court House No. 2, Chalks, Murray, Schmidt, Glauber, Budde, Young, South Side Fire Station, Farley, Butler, Tyler, Union Station, O'Bryan, Clark's River, Woodlawn, Hovenkamp, Oaks Station, Florence Station, Hendron, Harper, Melber, New Hope, Massac, Milan, Lone Oak No. 1, and Lone Oak No. 2.

(5) Fifth District. Calloway and Trigg Counties.

(6) Sixth District. Marshall, Lyon and Caldwell Counties.

(7) Seventh District. Union, Crittenden and Livingston Counties.

(8) Eighth District. That part of the County of Christian comprising the City of Hopkinsville and, in addition, all of the territory in voting precincts No. 3 and No. 23.

(9) Ninth District. That part of the County of Christian which is outside of the corporate limits of the City of Hopkinsville, except voting precincts No. 3 and No. 23.

(10) Tenth District. Hopkins County.

(11) Eleventh District. Henderson County.

(12) Twelfth District. Webster and McLean Counties.

(13) Thirteenth District. That part of the County of Daviess comprising the City of Owensboro.

(14) Fourteenth District. That part of the County of Daviess which is outside of the corporate limits of the City of Owensboro.

(15) Fifteenth District. Muhlenberg County.

(16) Sixteenth District. Todd and Logan Counties.

(17) Seventeenth District. Butler, Ohio and Hancock Counties.

(18) Eighteenth District. Breckinridge and Meade Counties.

(19) Nineteenth District. Grayson and Edmonson Counties.

(20) Twentieth District. That part of the County of Warren which embraces the City of Bowling Green but excluding voting precincts No. 32 Delafield, No. 55 Miller's Bottle Gas and No. 67 Reel's Garage.

(21) Twenty-first District. That part of the County of Warren which embraces the area outside of the corporate limits of the City of Bowling Green and, in addition, all of the territory in voting precincts No. 32-Delafield, No. 55-Miller's Bottle Gas and No. 67-Reel's Garage.

(22) Twenty-second District. Simpson and Allen Counties.

(23) Twenty-third District. Barren County.

(24) Twenty-fourth District. Hart and Larue Counties.

(25) Twenty-fifth District. That part of the County of Hardin which embraces the following voting precincts: Upton, Sonora, Nolin, Glendale, South Dixie, Chelf, Van Meter, Elizabethtown North, Elizabethtown Northeast, Elizabethtown West, Elizabethtown Northwest, Elizabethtown East, Mantle, Valley Creek, Tunnel Hill, Colesburg, and West Point.

(26) Twenty-sixth District. That part of the County of Hardin which embraces the following voting precincts: Melrose, White Mills, Long Grove, Eastview, Meeting Creek, Cecilia, Howevalley, St. John, Helm, Rineyville, Yates, Vine Grove South, Vine Grove North, Rogersville, and Radcliff.

(27) Twenty-seventh District. Monroe and Metcalfe Counties.

(28) Twenty-eighth District. Green and Adair Counties.

(29) Twenty-ninth District. Marion and Taylor Counties.

(30) Thirtieth District. Nelson and Anderson Counties.

(31) Thirty-first District. Bullitt and Spencer Counties.

(32) Thirty-second District. That portion of Jefferson County contained within the boundaries of Ward One of the City of Louisville as it now exists (Ordinance #66 Series 1961; Section 105.03 General Ordinance of the City of Louisville.)

(33) Thirty-third District. That portion of Jefferson County contained within the boundaries of Ward Two of the City of Louisville as it now exists (Ordinance #66 Series 1961; Section 105.04 General Ordinance of the City of Louisville.)

(34) Thirty-fourth District. That portion of Jefferson County contained within the boundaries of Ward Three of the City of Louisville as it now exists (Ordinance #66 Series 1961; Section 105.05 General Ordinance of the City of Louisville.)

(35) Thirty-fifth District. That portion of Jefferson County contained within the boundaries of Ward Four of the City of Louisville as it now exists (Ordinance #66 Series 1961; Section 105.06 General Ordinance of the City of Louisville.)

(36) Thirty-sixth District. That portion of Jefferson County contained within the boundaries of Ward Five of the City of Louisville as it now exists (Ordinance #66 Series 1961; Section 105.07 General Ordinance of the City of Louisville.)

(37) Thirty-seventh District. That portion of Jefferson County contained within the boundaries of Ward Six of the City of Louisville as it now exists (Ordinance #66 Series 1961; Section 105.08 General Ordinance of the City of Louisville.)

(38) Thirty-eighth District. That portion of Jefferson County contained within the boundaries of Ward Seven of the City of Louisville as it now exists (Ordinance #66 Series 1961; Section 105.09 General Ordinance of the City of Louisville.)

(39) Thirty-ninth District. That portion of Jefferson County contained within the boundaries of Ward Eight of the City of Louisville as it now exists (Ordinance #66 Series 1961; Section 105.10 General Ordinance of the City of Louisville.)

(40) Fortieth District. That portion of Jefferson County contained within the boundaries of Ward Nine of the City of Louisville as it now exists (Ordinance #66 Series 1961; Section 105.11 General Ordinance of the City of Louisville.)

(41) Forty-first District. That portion of Jefferson County contained within the boundaries of Ward Ten of the City of Louisville as it now exists (Ordinance #66 Series 1961; Section 105.12 General Ordinance of the City of Louisville.)

(42) Forty-second District. That portion of Jefferson County contained within the boundaries of Ward Eleven of the City of Louisville as it now exists (Ordinance #66 Series 1961; Section 105.13 General Ordinance of the City of Louisville.)

(43) Forty-third District. That portion of Jefferson County contained within the boundaries of Ward Twelve of the City of Louisville as it now exists (Ordinance #66 Series 1961; Section 105.14 General Ordinance of the City of Louisville.)

(44) Forty-fourth District. That portion of Jefferson County contained within boundaries of the Ohio River on the West, the boundary lines of the City of Louisville Wards Twelve, Eleven, Nine and Seven on the Northwardly and Eastwardly sides to a point where Pleasure Ridge Road meets the boundary of said Ward Seven, thence Southwardly with the Center line of Pleasure Ridge Road to St. Andrews Church Road, and thence, Southwestwardly with the Center Line of St. Andrews Church Road to Dixie Highway, thence Southwardly with the Center Line of Dixie Highway to Greenwood Road, thence Westwardly with the Center Line of Greenwood Road to the Ohio River.

(45) Forty-fifth District. That portion of Jefferson County contained within boundaries of the Ohio River on the West, the Hardin County line on the Southwest, the Bullitt County line on the Eastwardly and Southwardly sides to the point where the main line of the Louisville and Nashville Railroad enters Bullitt County, thence Northwestwardly with the Center Line of said Louisville and Nashville Railroad to the point where the same meets the boundary of Ward Four and Ward Six, as the presently exists, of the City of Louisville, thence in a Southwestwardly, westwardly and Northwardly direction with the boundary lines of Ward Six and Ward Seven, as they presently exist, of the City of Louisville to a point where Pleasure Ridge Road meets the boundary of said City of Louisville Ward Seven, thence with the Center Line of Pleasure Ridge Road Southwestwardly to St. Andrews Church Road, thence in a generally Westwardly direction with the Center Lines of St. Andrews Church Road and Dixie Highway to Greenwood Road and thence with the Center Line of Greenwood Road to the Ohio River.

(46) Forty-sixth District. That portion of Jefferson County contained within boundaries of the Center line of the main line of the Louisville and Nashville Railroad on the West, from the point where the same meets the Southern boundary of Ward Four, as it now exists, of the City of Louisville, to the Bullitt County line, thence on the Southwardly side to the Bullitt County line to the point where the

said line meets Cedar Creek Road, thence bounded on the East by the Center line of Cedar Creek Road Northwardly to the point where the said road meets Cooper Chapel Road, thence with the Center line of said road West to the point where said road meets Beulah Church Road, thence Northwardly and Northwestwardly with the Center line of Beulah Church Road to the point where it meets the Bardstown Road, thence with the Center line of Bardstown Road Northwardly and Northwestwardly to the point where the said road meets the Southerly boundary of Ward Two, as it now exists, of the City of Louisville, thence in a westwardly direction with the meanderings of the Southerly boundaries of Wards Two, Three and Four, as they now exist, of the City of Louisville, to the point of beginning.

(47) Forty-seventh District. That portion of Jefferson County contained within boundaries beginning at the point where the Bardstown Road meets the Southerly boundary of Ward Two, as it now exists, of the City of Louisville, thence bounded on the West by the Center line of Bardstown Road Southeastwardly to the point where it meets Beulah Church Road, thence with the Center Line of Beulah Church Road Southwestwardly to the point where it meets Cooper Chapel Road, thence Eastwardly with the Center Line of Cooper Chapel Road to the point where the same meets Cedar Creek Road, thence with the Center Line of Cedar Creek Road to the Bullitt County Line, thence bounded on the Southwardly side by the Bullitt County Line, on the Eastwardly side by the Spencer County Line and the Shelby County Line and on the Northeastwardly side by the Shelby and Oldham County Lines to the point where the Cincinnati Division of the Louisville and Nashville Railroad meets the Oldham County line, thence with the Center line of said Louisville and Nashville Railroad Southwestwardly to English Station Road, thence with the Center line of English Station Road Southwestwardly to the Shelbyville Road, thence Westwardly with the Center line of Shelbyville Road to the point where the same meets the Eastwardly boundary of Ward One, as it now exists, of the City of Louisville, thence in a Southwardly and Westwardly direction with the boundaries of said Ward One and Ward Two, as they now exist, of the City of Louisville to the point of beginning.

(48) Forty-eighth District. That portion of Jefferson County contained within boundaries beginning at the point where the Eastwardly boundary of Ward One, as it exists, of the City of Louisville meets the Ohio River, thence bounded on the Westwardly side by the meanderings of the Eastwardly boundary of said Ward One to the point where the same meets the Shelbyville Road, thence bounded on the Southwardly side by the Center line of the Shelbyville Road Eastwardly to the point where the same meets English Station Road, thence Northwardly with the Center line of English Station Road to the Cincinnati Division of the Louisville and Nashville Railroad,

thence Northwardly with the Center line of the said Louisville & Nashville Railroad to the Oldham County line, thence Northwestwardly with the Oldham County line to the Ohio River, and with said River Westwardly to the point of beginning.

(49) Forty-ninth District. Washington and Mercer Counties.

(50) Fiftieth District. Boyle and Garrard Counties.

(51) Fifty-first District. Madison County.

(52) Fifty-second District. Woodford and Jessamine Counties.

(53) Fifty-third District. That part of the county of Fayette within the limits of the City of Lexington as they existed in 1904 and for ten years prior to 1904.

(54) Fifty-fourth District. That part of the county of Fayette included in Magisterial district No. 3 and outside the limits of the City of Lexington as those limits existed in 1904 and for ten years prior to 1904.

(55) Fifty-fifth District. That part of the county of Fayette included in Magisterial district No. 2 outside the limits of the City of Lexington as those limits existed in 1904 and for ten years prior to 1904 plus the following precincts: 52-Gibson Park; 60-LaFayette; 68-Picadome; 74-Springs; 20-Garden Springs and that part of 16-Fairgrounds which lies in Magisterial District No. 1.

(56) Fifty-sixth District. That part of the county of Fayette included in Magisterial district No. 1 outside the limits of the City of Lexington as those limits existed in 1904 and for ten years prior to 1904 but excluding the following precincts: 52-Gibson Park; 60-LaFayette; 68-Picadome; 74-Springs, and 20-Garden Springs, and that part of 16-Fairgrounds which lies in Magisterial District No. 1.

(57) Fifty-seventh District. Franklin County.

(58) Fifty-eighth District. Shelby and Henry Counties.

(59) Fifty-ninth District. Oldham, Trimble and Carroll Counties.

(60) Sixtieth District. Boone and Gallatin Counties.

(61) Sixty-first District. Owen, Grant and Pendleton Counties.

(62) Sixty-second District. Scott and Harrison Counties.

(63) Sixty-third District. That part of the County of Kenton described as follows: Beginning at the intersection point of the Kenton-Boone County line with the center line of Dry Creek; thence south with said county line to the center line of the Southern Railroad; thence north with the center line of the Southern Railroad to the center line of Rice Creek Road; thence east with the center line of Rice Creek Road and Bullock Pen Creek to the center line of Charter Oak Road; thence north with the center line of Charter Oak Road to the center line of Dudley Road; thence east with the center line of Dudley Road to a point in the eastern boundary of the City of Crestview Hills extended southwardly; thence north with this line to the southeast corner of the corporation lines of the City of Crest-

view Hills; thence with a line eastwardly to the west end of the St. John's Orphanage southern property line; thence east with said property line to the center line of Orphanage Road; thence northwardly with the center line of Orphanage Road to a point opposite the southern boundary of the City of S. Ft. Mitchell; thence east and at right angles to Orphanage Road to the southern most boundary of the City of S. Ft. Mitchell; thence in an eastwardly and northwardly direction along the boundary lines of S. Ft. Mitchell, the property lines of St. Mary's and Highland Cemeteries, the center line of Highland Road, the corporation line of the City of Ft. Wright to the west corporation line of the City of Covington; thence north with the west corporation line of the City of Covington to the center line of Montaque Road and Lewis Street; thence west with the center line of Montaque Road and the southern boundary line of Devou Park also the corporation line of the City of Covington to the center line of the Southern Railroad; thence southwestwardly with the center line of the Southern Railroad to the center line of Beechwood Road; thence south with the center line of Beechwood Road to the north corporation line of the City of S. Ft. Mitchell; thence westwardly and southwardly with the corporation line of the City of S. Ft. Mitchell as it meanders to the east corporation line of the City of Lakeside Park; thence northwardly and westwardly with the north corporation line of the City of Lakeside Park to the east corporation line of the City of Crestview Hills; thence northwardly with the east corporation of the City of Crestview Hills to the northeast corner of the City of Crestview Hills and the northwest corner of the City of Crescent Park; thence with a line due north to the center line of the Southern Railroad; thence eastwardly with the center line of the Southern Railroad to the center line of Dry Creek; thence with Dry Creek as it meanders in a northwesterly direction to the Kenton-Boone County Line, the place of beginning.

(64) Sixty-fourth District. That part of the County of Kenton, partly in the City of Covington, described as follows:

Beginning at the point of intersection of the center line of Delmar Place and the Licking River; thence west with the center line of Delmar Place to the center line of Eastern Avenue; thence north with the center line of Eastern Avenue to the center line of Nineteenth Street; thence west with the center line of Nineteenth Street to the center line of Garrard Street; thence south with the center line of Garrard Street to the center line of Corporation Street; thence west with the center line of Corporation Street and the westerly extension of the center line of Corporation Street to the center line of the L. & N. (K. C. Division) Railroad tracks; thence south with the center line of said railroad tracks to the center line of Ridge Street; thence west with the center line of Ridge Street extended westwardly to the center line of Rodgers Street extended northwardly; thence

south with the center line of Rodgers Street extended and the center line of Rodgers Street to the center line of Thirty-fifth Street; thence east with the center line of Thirty-fifth Street to the center line of Decoursey Street; thence south with the center line of Decoursey Street and Winston Avenue to the center line of Thirty-eighth Street; thence west with the center line of Thirty-eighth Street to the west corporation line of the City of Covington; thence south with said corporation line to the north corporation line of the City of Winston Park at the center line of Ky. 16; thence south with the center line of Ky. 16 to the intersection of the center lines of Ky. 16 and Taylor Mill Road; thence west and at a right angle to said intersection 500 feet; thence south and parallel to Taylor Mill Road to a point opposite the center lines of Schumacher Road; thence south and parallel to and 500 feet west of Ky. 16 to a point just north of Hands Road; thence west with a line to the concrete bridge over Fowler Creek on the L. L. L. Highway; thence south with the center line of L. L. L. Highway to the center line of Richardson Road; thence west with the center line of Richardson Road to the center line of Narrows Road; thence north with the center line of Narrows Road to the center line of Nelson Road; thence east with the center line of Nelson Road to the center line of Bullock Pen Creek; thence west with Bullock Pen Creek and the center line of Rice Creek Road to the center line of the Southern Railroad; thence south with the center line of the Southern Railroad to the Boone County Line; thence south with the Boone County Line to the Grant County Line; thence east with the Grant County Line and the Pendleton County Line to the Licking River; thence north with the Licking River to the place of beginning.

(65) Sixty-fifth District. That part of the County of Kenton, partly in the City of Covington, described as follows:

Beginning at a point of intersection of the center line of Delmar Place and the Licking River; thence west with the center line of Delmar Place to the center line of Eastern Avenue; thence north with the center line of Eastern Avenue to the center line of Nineteenth Street; thence west with the center line of Nineteenth Street to the center line of Garrard Street; thence south with the center line of Garrard Street to the center line of Corporation Street; thence west with the center line of Corporation Street and the westerly extension of the center line of Corporation Street to the center line of the L. & N. (K. C. Division) Railroad tracks; thence south with the center line of said railroad tracks to the center line of Ridge Street; thence west with the center line of Ridge Street extended westwardly to the center line of Rodgers Street extended northwardly; thence south with the center line of Rodgers Street extended and the center line of Rodgers Street to the center line of Thirty-fifth Street; thence east with the center line of Thirty-fifth Street to the center line of Decoursey Street; thence south with the center line of Decoursey

Street and Winston Avenue to the center line of Thirty-eighth Street; thence west with the center line of Thirty-eighth Street to the west corporation line of the City of Covington; thence south with said corporation line to the north corporation line of the City of Winston Park at the center line of Ky. 16; thence south with the center line of Ky. 16 to the intersection of the center lines of Ky. 16 and Taylor Mill Road; thence west and at a right angle to said intersection 500 feet; thence south and parallel to Taylor Mill Road to a point opposite the center line of Schumacher Road; thence south and parallel to and 500 feet west of Ky. 16 to a point just north of Hands Road; thence west with a line to the concrete bridge over Fowler Creek on the L. L. L. Highway; thence south with the center line of L. L. L. Highway to the center line of Richardson Road; thence west with the center line of Richardson Road to the center line of Narrows Road; thence north with the center line of Narrows Road to the center line of Nelson Road; thence east with the center line of Nelson Road to the center line of Charter Oak Road; thence north with the center line of Charter Oak Road to the center line of Dudley Road; thence east with the center line of Dudley Road to a point in the eastern boundary of the City of Crestview Hills Extended southwardly; thence north with this line to the southeast corner of the corporation lines of the City of Crestview Hills; thence with a line eastwardly to the west end of the St. Johns Orphanage southern property line; thence east with said property line to the center line of Orphanage Road; thence northwardly with the center line of Orphanage Road to a point opposite the southern boundary of the City of S. Ft. Mitchell; thence east and at right angles to Orphanage Road to the southern boundary of the City of S. Ft. Mitchell; thence in an eastwardly northwardly direction along the boundary lines of S. Ft. Mitchell, the property lines of St. Mary's and Highland Cemeteries, the center line of Highland Road, the corporation line of the City of Ft. Wright to the west corporation line of the City of Covington; thence north with the west corporation line of the City of Covington to the center line of Montaque Road and Lewis Street; thence northeast and with the line of Devou Park to the center line of Eighth Street extended westwardly; thence east along the center line of Eighth Street to the center line of Willow Run; thence south with the center line of Willow Run to the center line of Pike Street; thence east with the center line of Pike Street to the center line of Main Street; thence south with the center line of Main Street to the center line of Twelfth Street; thence east with the center line of Twelfth Street to the center line of Madison Avenue; thence north with the center line of Madison Avenue to the center line of Eleventh Street; thence east with the center line of Eleventh Street to the Licking River; thence south with the Licking River to the place of beginning.

(66) Sixty-sixth District. That part of the County of Kenton, partly in the City of Covington, described as follows:

Beginning at the Licking River and the center line of Eleventh Street; thence west with the center line of Eleventh Street to the center line of Madison Avenue; thence south with the center line of Madison Avenue to the center line of Twelfth Street; thence west with the center line of Twelfth Street to the center line of Main Street; thence north with the center line of Main Street to the center line of Pike Street; thence west with the center line of Pike Street to the center line of Willow Run; thence north with the center line of Willow Run to the center of Eighth Street; thence west with the center line of Eighth Street to the east line of Devou Park; thence southwest and south with the line of Devou Park to the intersection of Lewis Street and Montaque Road; thence west with the center line of Montaque Road and the southern and western boundary line of Devou Park also the corporation line of the City of Covington to the center line of the Southern Railroad; thence southwestwardly with the center line of the Southern Railroad to the center line of Beechwood Road; thence south with the center line of Beechwood Road to the north corporation line of the City of S. Ft. Mitchell; thence westwardly and southwardly with the corporation line of the City of S. Ft. Mitchell as it meanders to the east corporation line of the City of Lakeside Park; thence northwardly and westwardly with north corporation line of the City of Lakeside Park to the east corporation line of the City of Crestview Hills; thence northwardly with the east corporation line of the City of Crestview Hills to the northeast corner of the City of Crestview Hills and the northwest corner of the City of Crescent Park; thence with a line due north to the center line of the Southern Railroad; thence eastwardly with the center line of the Southern Railroad to the center line of Dry Creek; thence with Dry Creek as it meanders in a northwesterly direction to the Boone County Line; thence north with the Boone County Line to the Ohio River; thence in an easterly direction, along the Ohio River to the Licking River; thence south with the Licking River to the center line of Eleventh Street, the place of beginning.

(67) Sixty-seventh District. That part of the County of Campbell comprising the City of Newport.

(68) Sixty-eighth District. That part of the County of Campbell described and bounded as follows: Beginning at the Licking River and the southwestern boundary of the City of Wilders; thence with the southern boundary of the City of Wilders to the southern boundary of the City of Southgate; thence with the southern and eastern boundaries of the City of Southgate to the intersection with Highland Avenue in the City of Fort Thomas; thence with the center line of Highland Avenue, and the center line of Highland Avenue if extended, eastwardly to the north shore of the Ohio River at low

water; thence northwest along the north shore of the Ohio River at low water to the northwest boundary, if extended, of the City of Bellevue; thence following the eastern, southern, and western boundaries of the City of Newport to the Licking River; thence south with the Licking River to the place of beginning.

(69) Sixty-ninth District. That part of the County of Campbell which is not contained in the Sixty-Seventh or Sixty-Eighth District.

(70) Seventieth District. Bracken and Mason Counties.

(71) Seventy-first District. Robertson, Fleming and Rowan Counties.

(72) Seventy-second District. Bourbon and Nicholas Counties.

(73) Seventy-third District. Clark and Powell Counties.

(74) Seventy-fourth District. Montgomery, Menifee and Bath Counties.

(75) Seventy-fifth District. Carter and Lewis Counties.

(76) Seventy-sixth District. Greenup County.

(77) Seventy-seventh District. Knott and Magoffin Counties.

(78) Seventy-eighth District. Lee, Breathitt and Wolfe Counties.

(79) Seventy-ninth District. Jackson, Owsley and Estill Counties.

(80) Eightieth District. Lincoln and Rockcastle Counties.

(81) Eighty-first District. Casey, Russell and Cumberland Counties.

(82) Eighty-second District. Wayne, Clinton and McCreary Counties.

(83) Eighty-third District. Pulaski County.

(84) Eighty-fourth District. Whitley County.

(85) Eighty-fifth District. Laurel County.

(86) Eighty-sixth District. Knox County.

(87) Eighty-seventh District. Bell County.

(88) Eighty-eighth District. That part of the County of Harlan which on October 1, 1942 embraced the following voting precincts: Court House No. 1, Court House No. 1A, Shop No. 2, City Hall No. 3, Cumberland Avenue No. 4, Kitts No. 5, Coxton No. 6, Verda No. 7, Kildav No. 7A, Verda No. 7B, Verda No. 7C, Evarts No. 8, Griffeyville No. 8A, North Evarts No. 9, Black Mountain No. 10, Brittians Creek No. 10A, Dizney No. 10B, Shields No. 11, Gano No. 11A, Ridgeway No. 11B, High Splint No. 12, Klondike No. 13, Clover No. 14, Sunshine No. 34, Elcomb No. 35, Perkins No. 36, Bardo No. 36A, Tway No. 37, Grays Knob No. 38, Lena Rue No. 39, Mary Helen No. 39A, Cawood No. 40, Hiram No. 40A, Smith No. 41, Martins Fork No. 42, Cranks No. 43, Ages No. 47, Brookside No. 47A, Louellen No. 51, Yancey No. 53, Pansy No. 53A, Chevrolet No. 54, Crummies No. 55, Three Point No. 56, Clovertown No. 58, Clover Splint No. 60.

(89) Eighty-ninth District. That part of the County of Harlan

which on October 1, 1942 embraced the following voting precincts: Baxter No. 15, Dillon No. 16, Cumberland No. 17, Cumberland No. 17A, Cumberland No. 17B, Cumberland No. 17C, Blair No. 17D, Corder No. 17E, Pee Vee No. 18, Benham No. 19, Benham No. 20, Lynch No. 21, Lynch No. 22, Lynch No. 23, Lynch No. 24, Wilhoit No. 25, Pine Flat No. 26, Wallins No. 27, Wallins No. 27A, Kentucky King No. 29, Layman No. 31, Molus No. 32, Pucketts No. 33, Pine Mountain No. 44, Big Laurel No. 44A, Bledsoe No. 45, Salts No. 46, Totz No. 48, Black Starr No. 49, Loyall No. 50, Loyall No. 50A, Twila No. 52, Insull No. 57, Green Morris No. 59, Lewis No. 61.

(90) Ninetieth District. Clay and Leslie Counties.

(91) Ninety-first District. Letcher County.

(92) Ninety-second District. Perry County.

(93) Ninety-third District. That part of the County of Pike which on October 1, 1942 embraced Magisterial District No. 2, Magisterial District No. 3, Magisterial District No. 4, and Magisterial District No. 8, and the following precincts in Magisterial District No. 1: South Pike No. 1, West Pike No. 80, Island Creek No. 39, Upper Chloe No. 40, Mill (City) No. 51, Harolds Branch No. 82, Middle Chloe No. 87, North Pike (School House) No. 16.

(94) Ninety-fourth District. That part of the County of Pike which on October 1, 1942 embraced Magisterial District No. 5, Magisterial District No. 6, and Magisterial District No. 7, and the following precincts in Magisterial District No. 1: Coal Run No. 15, Hurricane No. 41, Cow Pen No. 47, Ratliffs Creek No. 81, West Pike (City) No. 56, Lower Chloe No. 59.

(95) Ninety-fifth District. That part of the County of Floyd which on October 1, 1942 embraced the following magisterial districts: Magisterial District No. 1 and Magisterial District No. 2.

(96) Ninety-sixth District. That part of the County of Floyd which on October 1, 1942 embraced the following magisterial districts: Magisterial District No. 3 and Magisterial District No. 4.

(97) Ninety-seventh District. Johnson and Martin Counties.

(98) Ninety-eighth District. Morgan, Elliott and Lawrence Counties.

(99) Ninety-ninth District. That part of the County of Boyd included within the corporate limits of the city of Ashland with the exception of the following precincts: Herbst, Moore, Means, Barber, Lewis and Pollard.

(100) One-hundredth District. That part of the County of Boyd outside of the corporate limits of the City of Ashland but also including the following six precincts within the corporate limits: Herbst, Moore, Means, Barber, Lewis and Pollard.

Section 2. KRS 6.040 is amended to read as follows:

Unless the context requires otherwise, any reference in KRS 6.010

or KRS 6.030 to a city, ward or precinct means that city, ward or precinct as its boundaries existed on the effective date of this Act.

Section 3: WHEREAS; Differences in population between the various districts warrant the assumption that inequality of representation exists in the House of Representatives and;

WHEREAS; Population among House districts cannot be equalized if no more than two counties may be joined in a representative district and the Court of Appeals having declared that more than two counties may be joined in a district and;

WHEREAS; Population, territory, contiguity and the internal integrity of counties (other than multi-district counties) are factors mentioned in the constitution and;

WHEREAS; The constitution requiring reapportionment each ten years, but 20 years having elapsed since the reapportionment of 1942 and;

WHEREAS; Acts of the General Assembly ordinarily take effect ninety days after a Legislative Session, and the closing of the filing for primary candidates running for nomination for election to terms beginning January 1, 1964 fall within this time period an emergency is found to exist and this Act shall take effect upon signature by the Governor.

Said amendments to **HB 3** are as follows:

Amend printed copy of House Bill 3 on pages 4-9, lines 12 & 9, by: striking subsections (32) through (48), inclusive, in their entirety and inserting in lieu thereof the following:

(32) Thirty-second District. That part of the County of Jefferson contained within the boundaries of Ward One of the City of Louisville and, in addition, that part of the County of Jefferson contained in precincts A2, A3, A29, A30, A49 and A56 of A District of the County.

(33) Thirty-third District. That part of the County of Jefferson contained within the boundaries of Ward Two of the City of Louisville; and in addition, that part of the County of Jefferson contained in precincts A17 and A39 of A District of the County; and that part of the County of Jefferson contained in precincts B1, B2, B3, B29, B30, B31, B33 and B34 of B District of the County.

(34) Thirty-fourth District. That part of the County of Jefferson contained within the boundaries of Ward Three of the City of Louisville; and, in addition, that part of the County of Jefferson contained in precincts B16 and B38 of B District of the County.

(35) Thirty-fifth District. That part of the County of Jefferson contained within the boundaries of Ward Four of the City of Louis-

ville and, in addition, that part of the County of Jefferson contained in precincts B8, B11 and B12 of B District of the County.

(36) Thirty-sixth District. That part of the County of Jefferson contained within the boundaries of Ward Five of the City of Louisville.

(37) Thirty-seventh District. That part of the County of Jefferson contained within the boundaries of Ward Six of the City of Louisville.

(38) Thirty-eighth District. That part of the County of Jefferson contained within the boundaries of Ward Seven of the City of Louisville and, in addition, that part of the County of Jefferson contained in precincts C20, C24, C36, C63 of C District of the County.

(39) Thirty-ninth District. That part of the County of Jefferson contained within the boundaries of Ward Eight of the City of Louisville.

(40) Fortieth District. That part of the County of Jefferson contained within the boundaries of Ward Nine of the City of Louisville and, in addition, that part of the County of Jefferson contained in precincts C9 and C25 of C District of the County.

(41) Forty-first District. That part of the County of Jefferson contained within the boundaries of Ward Ten of the City of Louisville.

(42) Forty-second District. That part of the County of Jefferson contained within the boundaries of Ward Eleven of the City of Louisville.

(43) Forty-third District. That part of the County of Jefferson contained within the boundaries of Ward Twelve of the City of Louisville.

(44) Forty-fourth District. That part of the County of Jefferson contained in precincts C1, C2, C3, C4, C5, C6, C10, C15, C26, C27, C28, C29, C35, C37, C38, C39, C41, C48, C49, C51, C52, C59 and C62 of C District of the County.

(45) Forty-fifth District. That part of the County of Jefferson contained in precincts C7, C8, C11, C16, C17, C18, C19, C21, C23, C30, C31, C33, C34, C40, C42, C43, C44, C45, C46, C47, C50, C53, C54, C55, C56, C57, C58, C60 and C61 of C District of the County.

(46) Forty-sixth District. That part of the County of Jefferson contained in precincts C12, C13, C14, C22 and C32 of C District of the County; and, in addition, that part of the county of Jefferson contained in precincts B10, B13, B14, B15, B17, B18, B19, B20, B21, B22, B23, B25, B26, B32, B36, B37, B40, B41, B42, B43, and B44 of B District of the County.

(47) Forty-seventh District. That part of the County of Jefferson contained in precincts B4, B5, B6, B7, B9, B24, B27, B28, B35, B39 and B45 of B District of the County; and, in addition, that part of the County of Jefferson contained in precincts A5, A15, A16, A18,

A19, A20, A21, A22, A23, A26, A27, A28, A34, A35, A36, A37, A38, A42, A43, A50 and A51 of A District of the County.

(48) Forty-eighth District. That part of the County of Jefferson contained in precincts A1, A4, A6, A7, A8, A9, A10, A11, A12, A13, A14, A24, A31, A25, A32, A33, A40, A41, A44, A45, A46, A47, A48, A52, A53, A54, A55 and A57 of A District of the County.

Amend printed copy of House Bill 3 on pages 2-3, lines 25-1, by: deleting subsections (13) and (14) and inserting in lieu thereof the following:

(13) Thirteenth District. That part of the County of Daviess comprising the City of Owensboro but excluding the following precincts: 6, 7, 17, 18, 19, 20, 32.

(14) Fourteenth District. That part of the County of Daviess which is outside of the corporate limits of the City of Owensboro, and, in addition, the following precincts within the corporate limits of the City of Owensboro: 6, 7, 17, 18, 19, 20, 32.

Amend printed copy of House Bill 3 on page 21, lines 13-17, by: deleting Section 2 and inserting in lieu thereof the following:

Section 2. "Unless the context requires therewise, any reference in this Act to a city, ward, district or precinct means that city, ward, district or precinct as its boundaries existed on the effective date of this Act."

Amend printed copy of House Bill 3 on page 21, lines 5-12, by: By striking lines 5 through 12 in their entirety and substituting in lieu thereof the following:

(99) Ninety-ninth District. That part of the County of Boyd outside of the corporate limits of the City of Ashland but also including the following six precincts within the corporate limits: Herbst, Moore, Means, Barber, Lewis & Pollard.

(100) One-hundredth District. That part of the County of Boyd included within the corporate limits of the City of Ashland with the exception of the following precincts: Herbst, Moore, Means, Barber, Lewis & Pollard.

Committee on Rules reported **HR 8** with the expression of opinion that same should pass.

HR 8, A CONCURRENT RESOLUTION relating to Devil's Jump Dam.

WHEREAS, a condition of intense economic distress and basic regional underdevelopment exists in an area of Southeastern Kentucky and Northeastern Tennessee; and,

WHEREAS, an intensive total development program is underway in this area in which the efforts of local, state and federal interests are devoted more aggressively than ever before to every aspect of area development; and

WHEREAS, one real opportunity to create the necessary foundation for significant achievement within this over-all program exists in the potential of the proposed Devil's Jump Dam and Reservoir; and

WHEREAS, the Devil's Jump Project would accelerate and expand the success of the development program in this area more than any other factor, and, at the same time, the over-all development activity would add to and multiply the benefits of this project far beyond those calculated in establishing the feasibility now recognized by the U. S. Corps of Engineers; and

WHEREAS, the Devil's Jump Project, by itself, would create an unusual and outstanding mountain area reservoir in the existing National Forest area of unexcelled natural and unspoiled scenic beauty, and this project represents a unique opportunity to establish a major conservation and recreation area; an outstanding fish and wildlife habitat; and a principal tourist mecca, all with great benefit to the economy to this area and the nation.

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the U. S. Bureau of the Budget is requested to approve appropriation for the planning and developing of Devil's Jump Dam and Reservoir.

Section 2. That the General Assembly of the Commonwealth of Kentucky petitions the appropriation committees in the U. S. Congress to include the Devil's Jump Reservoir in appropriations of the 88th Congress.

Section 3. That the U. S. Corps of Engineers is requested to expedite construction and development of Devil's Jump Dam and Reservoir to assist in the economic development of Southeastern Kentucky and Northeastern Tennessee.

Section 4. That the Congressional Delegation from the Commonwealth of Kentucky use their good offices to achieve the ends mentioned in Section 1-3, preceding.

Section 5. That the clerk of the Kentucky House of Representatives be directed to forward a copy of this Resolution to the President of the U. S. Senate, the Speaker of the U. S. House of Representatives, Kentucky members of the U. S. Congress, to the Chairmen of the Senate and House Appropriation Committees, to the Director of the U. S. Bureau of the Budget and to the Chief of the U. S. Corps of Engineers.

Representative A. Brown moved the adoption of **HR 8**. Agreed.

Introduction of Bills

HB 5, by Representative Lankford: AN ACT relating to elections.

HB 6, by Representative Dempsey: AN ACT relating to elections.

HB 7, by Representative Dempsey: AN ACT relating to state representative districts.

Senate Message

Announcing passage of **SR 7.**

Representative Moloney moved that when the House adjourn it do so until 11 a.m., Wednesday, February 20, 1963. Agreed.

Representative Cornett moved that the Rules be suspended for the purpose of making a motion.

On the roll call, the vote was yeas 20—Ballenger, Blythe, Archie Brown, Browning, Buky, Caldwell, Cornett, Dempsey, Dobyns, Green, Jesse O. Johnson, Leister, Lesshafft, Peace, Render, Secrest, Amelia M. Tucker, White, Willen, Frank Wood. Nays 49—Ashby, Barton, Bleemel, J. Y. Brown, Bunnell, Colley, Cottengim, Dixon, Dyer, Ellis, Farmer, Freeman, Hahn, Hale, Hart, Hinkle, Holloran, Houtchens, Howard, Ingram, Irick, Isler, L. N. Johnson, Jordan, Lankford, Lassiter, McCallum, McCracken, Majors, Martin, Miller, Moloney, F. Morgan, Murphy, Nicholls, Oelsner, Ostertag, Slone, Slusher, J. D. Smith, Sparks, Swinford, A. E. Tucker, Watson, Webster, Whitlock, Wiseman, H. Wood and Young.

The motion to suspend the Rules was defeated.

Representative Moloney moved that the House adjourn until 11 a.m., Wednesday, February 20, 1963. Agreed.

WEDNESDAY, FEBRUARY 20, 1963

NINETEENTH LEGISLATIVE DAY

The House was called to order by the Speaker.

Prayer by Reverend Robert J. Laughlin of the First Presbyterian Church of Frankfort.

The roll was called. All present except Representatives Alexander, Dempsey, Denham, Freeman, Hahn, Harris, Hinkle, Houtchens, Hunt, Ingram, Miller and Slone.

Representative Mills moved that absent members be granted leave of absence. Agreed.

Representative Isler moved that the reading of the Journal of Tuesday, February 19, 1963, be dispensed with and the same be approved. Agreed.

Recess

Representative Moloney moved that the House recess for ten minutes for the purpose of having a Rules Committee meeting. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Motions, Petitions and Communications

HR 16, by Representatives Hislope, Hensley, A. Brown, Vickers, White, Young, Fern, Patrick and Cornett: A RESOLUTION relating to the fiscal policy of the United States of America.

Representative J. Y. Brown moved that **HR 16** be read for the second time.

On the roll call, the vote was yeas 41—Ashby, Bates, Bleemel, Blythe, John Young Brown, Buky, Bunnell, Caldwell, Cornett, Cottengim, Cummins, Dixon, Green, Hensley, Hislope, Huff, Irick, Jesse O. Johnson, Kirtley, Lesshafft, McCracken, Martin, Mills, Moloney, Murphy, Ostertag, Patrick, Peace, Roberts, Secrest, J. D. Smith, A. E. Tucker, Amelia M. Tucker, Vickers, Watkins, Watson, Webster, White, Willen, Wilson, Harry W. Wood. Nays 20—Ballenger, Bartley, A. Brown, Ellis, Fern, Hale, Hancock, Holloran, L. N. Johnson, Jordan, Lassiter, McCallum, F. Morgan, L. Morgan, Nicholls, Slusher, V. Smith, Swinford, Whitlock and Wiseman.

The motion to read **HR 16** for the second time was defeated.

Representative A. M. Tucker moved that **HR 16** be tabled.

On the roll call, the vote was yeas 37—Ashby, Bates, Bleemel, John Young Brown, Bunnell, Carroll, Cottengim, Dixon, Dyer, Ellis,

Fern, Geveden, Green, Hale, Holloran, Jordan, Lassiter, Lesshafft, Maddox, McCallum, Mills, Moloney, Fred Morgan, Luther F. Morgan, Murphy, Ostertag, Peniston, Slusher, J. D. Smith, Sparks, Swinford, A. E. Tucker, Amelia M. Tucker, Watkins, Watson, Webster, Whitlock. Nays 21—Ballenger, Bartley, Blythe, Buky, Caldwell, Cornett, Cummins, Frymire, Hislope, Irick, Nicholls, Patrick, Peace, Render, Roberts, Secrest, Vickers, White, Willen, Wilson and Wiseman.

The motion to table **HR 16** was adopted.

Representative Hill moved that the House adjourn until 10 a.m., Thursday, February 21, 1963. The motion was rejected by voice vote.

Representative Hill moved that **HB 3** be taken from the Calendar and recommitted to the Committee on Rules. The motion was defeated for lack of a second.

Calendar

HB 3 was taken from the Calendar and ordered read at length for the second time. Representative Moloney moved that it be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Representative Moloney moved that when the House adjourn it do so until 10 a.m., Thursday, February 21, 1963. Agreed.

Representative Moloney moved that the House adjourn until 10 a.m., Thursday, February 21, 1963. Agreed.

THURSDAY, FEBRUARY 21, 1963

TWENTIETH LEGISLATIVE DAY

The House was called to order by the Speaker.

Prayer by the Reverend Charles N. King of the Corinthian Baptist Church of Frankfort.

The roll was called. All present except Representatives Dempsey, Denham, Dobyns, and Ingram.

Representative Mills moved that absent members be granted leave of absence. Agreed.

Representative Moloney moved that the reading of the Journal of Wednesday, February 20, 1963, be dispensed with and the same be approved. Agreed.

Recess

Representative Moloney moved that the House recess for a Rules Committee Meeting. Agreed.

The Speaker resumed the Chair and called the House to order.

Senate Message

Announcing passage of **SB 4, SR 9, SR 10** and **HR 8.**

Motions, Petitions and Communications

Representative Caldwell moved that the rules be suspended to introduce an amendment to Committee Substitute for **HB 3.** The Speaker ruled the motion out of order as the Bill was not before the House.

Recess

Representative Render moved that the House recess for 15 minutes for a Minority Party Caucus. Agreed.

The Speaker resumed the Chair and called the House to order.

Motions, Petitions and Communications

Representative Caldwell moved that **HB 3** be taken from the Rules Committee.

On the roll call, the vote was yeas 20—Ballenger, Blythe, Archie Brown, Browning, Buky, Bunnell, Caldwell, Cornett, Cummins, Hensley, Hislope, Jesse O. Johnson, Leister, Lesshafft, Patrick, Render, Secrest, Amelia M. Tucker, Vickers, Frank Wood. Nays 60—Ashby, Bartley, Barton, Bates, J. Y. Brown, Carroll, Colley, Cottengim, Dixon, Dyer, Ellis, Farmer, Freeman, Frymire, Geveden, Green, Hahn, Hale, Hampton, Hinkle, Holloran, Houtchens, Howard, Huff, Hunt, Irick, Isler, L. N. Johnson, Jordan, Lacy, Lankford, Lassiter, McCallum, McCracken, Maddox, Martin, Miller, Moloney, F. Morgan, L. Morgan,

Murphy, Ostertag, Oelsner, Peace, Peniston, Roberts, Sheehan, Slone, Slusher, J. D. Smith, Sparks, Swinford, A. E. Tucker, Watkins, Watson, Webster, Whitlock, Wiseman, H. Wood and Young.

The motion to take **HB 3** from the Rules Committee was defeated.

Report of Committee

Committee on Rules reported **HB 3** with the expression of opinion that same should pass by way of Committee Substitute and ordered it posted in the Orders of the Day.

HB 3, AN ACT relating to Legislative Districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 6.030 is amended to read as follows:

Kentucky is divided into the following representative districts:

(1) First District. Ballard, Carlisle, Fulton and Hickman Counties.

(2) Second District. Graves County.

(3) Third District. That part of the County of McCracken which on October 1, 1942 embraced the following voting precincts: Scott, Kennedy, Rogers, Savage No. 1, Savage No. 2, Bernhard No. 1, Bernhard No. 2, Yancey, Park No. 1, Park No. 2, Avondale, Gott, Durrett, Henneberger, Plow Factory, Gallman, Rieke, Williams, Cecil, Lang, Maxon, Lemont, Woodville, Grahamville No. 1, Grahamville No. 2, Rossington, and Ragland.

(4) Fourth District. That part of the County of McCracken which on October 1, 1942 embraced the following voting precincts: Berry, North Side Court House, South Side Court House No. 1, South Side Court House No. 2, Chalks, Murray, Schmidt, Glauber, Budde, Young, South Side Fire Station, Farley, Butler, Tyler, Union Station, O'Bryan, Clark's River, Woodlawn, Hovenkamp, Oaks Station, Florence Station, Hendron, Harper, Melber, New Hope, Massac, Milan, Lone Oak No. 1, and Lone Oak No. 2.

(5) Fifth District. Calloway and Trigg Counties.

(6) Sixth District. Marshall, Lyon and Caldwell Counties.

(7) Seventh District. Union, Crittenden and Livingston Counties.

(8) Eighth District. That part of the County of Christian comprising the City of Hopkinsville and, in addition, all of the territory in voting precincts No. 3 and No. 23.

(9) Ninth District. That part of the County of Christian which is outside of the corporate limits of the City of Hopkinsville, except voting precincts No. 3 and No. 23.

(10) Tenth District. Hopkins County.

(11) Eleventh District. Henderson County.

(12) Twelfth District. Webster and McLean Counties.

(13) Thirteenth District. That part of the County of Daviess comprising the City of Owensboro but excluding the following precincts: 6, 7, 17, 18, 19, 20, 32.

(14) Fourteenth District. That part of the County of Daviess which is outside of the corporate limits of the City of Owensboro and, in addition, the following precincts within the corporate limits of the City of Owensboro: 6, 7, 17, 18, 19, 20, 32.

(15) Fifteenth District. Muhlenberg County.

(16) Sixteenth District. Todd and Logan Counties.

(17) Seventeenth District. Butler, Ohio and Hancock Counties.

(18) Eighteenth District. Breckinridge and Meade Counties.

(19) Nineteenth District. Grayson and Edmonson Counties.

(20) Twentieth District. That part of the County of Warren which embraces the City of Bowling Green but excluding voting precincts No. 32 Delafield, No. 55 Miller's Bottle Gas and No. 67 Reel's Garage.

(21) Twenty-first District. That part of the County of Warren which embraces the area outside of the corporate limits of the City of Bowling Green and, in addition, all of the territory in voting precincts No. 32-Delafield, No. 55-Miller's Bottle Gas and No. 67-Reel's Garage.

(22) Twenty-second District. Simpson and Allen Counties.

(23) Twenty-third District. Barren County.

(24) Twenty-fourth District. Hart and Larue Counties.

(25) Twenty-fifth District. That part of the County of Hardin which embraces the following voting precincts: Upton, Sonora, Nolin, Glendale, South Dixie, Chelf, Van Meter, Elizabethtown North, Elizabethtown Northeast, Elizabethtown West, Elizabethtown Northwest, Elizabethtown East, Mantle, Valley Creek, Tunnel Hill, Colesburg, and West Point.

(26) Twenty-sixth District. That part of the County of Hardin which embraces the following voting precincts: Melrose, White Mills, Long Grove, Eastview, Meeting Creek, Cecilia, Howevalley, St. John, Helm, Rineyville, Yates, Vine Grove South, Vine Grove North, Rogersville, and Radcliff.

(27) Twenty-seventh District. Monroe and Metcalfe Counties.

(28) Twenty-eighth District. Green and Adair Counties.

(29) Twenty-ninth District. Marion and Taylor Counties.

(30) Thirtieth District. Nelson and Anderson Counties

(31) Thirty-first District. Bullitt and Spencer Counties.

(32) Thirty-second District. That part of the County of Jefferson contained within the boundaries of Ward One of the City of Louisville and, in addition, that part of the County of Jefferson contained in precincts A2, A3, A29, A30, A49 and A56 of A District of the County.

(33) Thirty-third District. That part of the County of Jefferson contained within the boundaries of Ward Two of the City of Louisville; and, in addition, that part of the County of Jefferson contained in precincts A17 and A39 of A District of the County; and that part of the County of Jefferson contained in precincts B1, B2, B3, B29, B30, B31, B33 and B34 of B District of the County.

(34) Thirty-fourth District. That part of the County of Jefferson contained within the boundaries of Ward Three of the City of Louisville; and, in addition, that part of the County of Jefferson contained in precincts B16 and B38 of B District of the County.

(35) Thirty-fifth District. That part of the County of Jefferson contained within the boundaries of Ward Four of the City of Louisville and, in addition, that part of the County of Jefferson contained in precincts B8, B11 and B12 of B District of the County.

(36) Thirty-sixth District. That part of the County of Jefferson contained within the boundaries of Ward Five of the City of Louisville.

(37) Thirty-seventh District. That part of the County of Jefferson contained within the boundaries of Ward Six of the City of Louisville.

(38) Thirty-eighth District. That part of the County of Jefferson contained within the boundaries of Ward Seven of the City of Louisville and, in addition, that part of the County of Jefferson contained in precincts C20, C24, C36, C63 of C District of the County.

(39) Thirty-ninth District. That part of the County of Jefferson contained within the boundaries of Ward Eight of the City of Louisville.

(40) Fortieth District. That part of the County of Jefferson contained within the boundaries of Ward Nine of the City of Louisville and, in addition, that part of the County of Jefferson contained in precincts C9 and C25 of C District of the County.

(41) Forty-first District. That part of the County of Jefferson contained within the boundaries of Ward Ten of the City of Louisville.

(42) Forty-second District. That part of the County of Jefferson contained within the boundaries of Ward Eleven of the City of Louisville.

(43) Forty-third District. That part of the County of Jefferson contained within the boundaries of Ward Twelve of the City of Louisville.

(44) Forty-fourth District. That part of the County of Jefferson contained in precincts C1, C2, C3, C4, C5, C6, C10, C15, C26, C27, C28, C29, C35, C37, C38, C39, C41, C48, C49, C51, C52, C59 and C62 of C District of the County.

(45) Forty-fifth District. That part of the County of Jefferson contained in precincts C7, C8, C11, C16, C17, C18, C19, C21, C23, C30, C31, C33, C34, C40, C42, C43, C44, C45, C46, C47, C50, C53, C54, C55, C56, C57, C58, C60 and C61 of C District of the County.

(46) Forty-sixth District. That part of the County of Jefferson contained in precincts C12, C13, C14, C22 and C32 of C District of the County; and, in addition, that part of the County of Jefferson contained in precincts B10, B13, B14, B15, B17, B18, B19, B20, B21, B22, B23, B25, B26, B32, B36, B37, B40, B41, B42, B43, and B44 of B District of the County.

(47) Forty-seventh District. That part of the County of Jefferson contained in precincts B4, B5, B6, B7, B9, B24, B27, B28, B35. B39 and B45 of B District of the County; and, in addition, that part of the County of Jefferson contained in precincts A5, A15, A16, A18, A19, A20, A21, A22, A23, A26, A27, A28, A34, A35, A36, A37, A38, A42, A43, A50 and A51 of A District of the County.

(48) Forty-eighth District. That part of the County of Jefferson contained in precincts A1, A4, A6, A7, A8, A9, A10, A11, A12, A13, A14, A24, A31, A25, A32, A33, A40, A41, A44, A45, A46, A47, A48, A52, A53, A54, A55 and A57 of A District of the County.

(49) Forty-ninth District. Washington and Mercer Counties.

(50) Fiftieth District. Boyle and Garrard Counties.

(51) Fifty-first District. Madison County.

(52) Fifty-second District. Woodford and Jessamine Counties.

(53) Fifty-third District. That part of the county of Fayette within the limits of the City of Lexington as they existed in 1904 and for ten years prior to 1904.

(54) Fifty-fourth District. That part of the county of Fayette included in Magisterial District No. 3 and outside the limits of the City of Lexington as those limits existed in 1904 and for ten years prior to 1904.

(55) Fifty-fifth District. That part of the county of Fayette included in Magisterial District No. 2 outside the limits of the City of Lexington as those limits existed in 1904 and for ten years prior to 1904 plus the following precincts: 52-Gibson Park; 60-LaFayette; 68-Picadome; 74-Springs; 20-Garden Springs and that part of 16-Fairgrounds which lies in Magisterial District No. 1.

(56) Fifty-sixth District. That part of the County of Fayette included in Magisterial District No. 1, outside the limits of the City of Lexington as those limits existed in 1904 and for ten years prior to 1904 but excluding the following precincts: 52-Gibson Park; 60-LaFayette; 68-Picadome; 74-Springs, and 20-Garden Springs, and that part of 16-Fairgrounds which lies in Magisterial District No. 1.

(57) Fifty-seventh District. Franklin County.

(58) Fifty-eighth District. Shelby and Henry Counties.

(59) Fifty-ninth District. Oldham, Trimble and Carroll Counties.

(60) Sixtieth District. Boone and Gallatin Counties.

(61) Sixty-first District. Owen, Grant and Pendleton Counties.

(62) Sixty-second District. Scott and Harrison Counties.

(63) Sixty-third District. That part of the County of Kenton described as follows: Beginning at the intersection point of the Kenton-Boone County line with the center line of Dry Creek; thence south with said county line to the center line of the Southern Railroad; thence north with the center line of the Southern Railroad to the center line of Rice Creek Road; thence east with the center line of Rice Creek Road and Bullock Pen Creek to the center line of Charter Oak Road; thence north with the center line of Charter Oak Road to the center line of Dudley Road; thence east with the center line of Dudley Road to a point in the eastern boundary of the City of Crestview Hills extended southwardly; thence north with this line to the southeast corner of the corporation lines of the City of Crestview Hills; thence with a line eastwardly to the west end of the St. John's Orphanage southern property line; thence east with said property line to the center line of Orphanage Road; thence northwardly with the center line of Orphanage Road to a point opposite the southern boundary of the City of S. Ft. Mitchell; thence east and at right angles to Orphanage Road to the southern most boundary of the City of S. Ft. Mitchell; thence in an eastwardly and northwardly direction along the boundary lines of S. Ft. Mitchell, the property lines of St. Mary's and Highland Cemeteries, the center line of Highland Road, the corporation line of the City of Ft. Wright to the west corporation line of the City of Covington; thence north with the west corporation line of the City of Covington to the center line of Montaque Road and Lewis Street; thence west with the center line of Montaque Road and the southern boundary line of Devou Park also the corporation line of the City of Covington to the center line of the Southern Railroad; thence southwestwardly with the center line of the Southern Railroad to the center line of Beechwood Road; thence south with the center line of Beechwood Road to the north corporation line of the City of S. Ft. Mitchell; thence westwardly and southwardly with the corporation line of the City of S. Ft. Mitchell as it meanders to the east corporation line of the City of Lakeside Park; thence northwardly and westwardly with the north corporation line of the City of Lakeside Park to the east corporation line of the City of Crestview Hills; thence northwardly with the east corporation of the City of Crestview Hills to the northeast corner of the City of Crestview Hills and the northwest corner of the City of Crescent Park; thence with a line due north to the center line of the Southern Railroad; thence eastwardly with the center line of the Southern Railroad to the center line of Dry Creek; thence with Dry Creek as it meanders in a northwesterly direction to the Kenton-Boone County Line, the place of beginning.

(64) Sixty-fourth District. That part of the County of Kenton, partly in the City of Covington, described as follows:

Beginning at the point of intersection of the center line of

Delmar Place and the Licking River; thence west with the center line of Delmar Place to the center line of Eastern Avenue; thence north with the center line of Eastern Avenue to the center line of Nineteenth Street; thence west with the center line of Nineteenth Street to the center line of Garrard Street; thence south with the center line of Garrard Street to the center line of Corporation Street; thence west with the center line of Corporation Street and the westerly extension of the center line of Corporation Street to the center line of the L. & N. (K. C. Division) Railroad tracks; thence south with the center line of said railroad tracks to the center line of Ridge Street; thence west with the center line of Ridge Street extended westwardly to the center line of Rodgers Street extended northwardly; thence south with the center line of Rodgers Street extended and the center line of Rodgers Street to the center line of Thirty-fifth Street; thence east with the center line of Thirty-fifth Street to the center line of Decoursey Street; thence south with the center line of Decoursey Street and Winston Avenue to the center line of Thirty-eighth Street; thence west with the center line of Thirty-eighth Street to the west corporation line of the City of Covington; thence south with said corporation line to the north corporation line of the City of Winston Park at the center line of Ky. 16; thence south with the center line of Ky. 16 to the intersection of the center lines of Ky. 16 and Taylor Mill Road; thence west and at a right angle to said intersection 500 feet; thence south and parallel to Taylor Mill Road to a point opposite the center lines of Schumacher Road; thence south and parallel to and 500 feet west of Ky. 16 to a point just north of Hands Road; thence west with a line to the concrete bridge over Fowler Creek on the L. L. L. Highway; thence south with the center line of L. L. L. Highway to the center line of Richardson Road; thence west with the center line of Richardson Road to the center line of Narrows Road; thence north with the center line of Narrows Road to the center line of Nelson Road; thence east with the center line of Nelson Road to the center line of Bullock Pen Creek; thence west with Bullock Pen Creek and the center line of Rice Creek Road to the center line of the Southern Railroad; thence south with the center line of the Southern Railroad to the Boone County Line; thence south with the Boone County Line to the Grant County Line; thence east with the Grant County Line and the Pendleton County Line to the Licking River; thence north with the Licking River to the place of beginning.

(65) Sixty-fifth District. That part of the County of Kenton, partly in the City of Covington, described as follows:

Beginning at a point of intersection of the center line of Delmar Place and the Licking River; thence west with the center line of Delmar Place to the center line of Eastern Avenue; thence

north with the center line of Eastern Avenue to the center line of Nineteenth Street; thence west with the center line of Nineteenth Street to the center line of Garrard Street; thence south with the center line of Garrard Street to the center line of Corporation Street; thence west with the center line of Corporation Street and the westerly extension of the center line of Corporation Street to the center line of the L. & N. (K. C. Division) Railroad tracks; thence south with the center line of said railroad tracks to the center line of Ridge Street; thence west with the center line of Ridge Street extended westwardly to the center line of Rodgers Street extended northwardly; thence south with the center line of Rodgers Street extended and the center line of Rodgers Street to the center line of Thirty-fifth Street; thence east with the center line of Thirty-fifth Street to the center line of Decoursey Street; thence south with the center line of Decoursey Street and Winston Avenue to the center line of Thirty-eighth Street; thence west with the center line of Thirty-eighth Street to the west corporation line of the City of Covington; thence south with said corporation line to the north corporation line of the City of Winston Park at the center line of Ky. 16; thence south with the center line of Ky. 16 to the intersection of the center lines of Ky. 16 and Taylor Mill Road; thence west and at a right angle to said intersection 500 feet; thence south and parallel to Taylor Mill Road to a point opposite the center line of Schumacher Road; thence south and parallel to and 500 feet west of Ky. 16 to a point just north of Hands Road; thence west with a line to the concrete bridge over Fowler Creek on the L. L. L. Highway; thence south with the center line of L. L. L. Highway to the center line of Richardson Road; thence west with the center line of Richardson Road to the center line of Narrows Road; thence north with the center line of Narrows Road to the center line of Nelson Road; thence east with the center line of Nelson Road to the center line of Charter Oak Road; thence north with the center line of Charter Oak Road to the center line of Dudley Road; thence east with the center line of Dudley Road to a point in the eastern boundary of the City of Crestview Hills Extended southwardly; thence north with this line to the southeast corner of the corporation lines of the City of Crestview Hills; thence with a line eastwardly to the west end of the St. Johns Orphanage southern property line; thence east with said property line to the center line of Orphanage Road; thence northwardly with the center line of Orphanage Road to a point opposite the southern boundary of the City of S. Ft. Mitchell; thence east and at right angles to Orphanage Road to the southern boundary of the City of S. Ft. Mitchell; thence in an eastwardly northwardly direction along the boundary lines of S. Ft. Mitchell, the property lines of St. Mary's and Highland Cemeteries, the center

line of Highland Road, the corporation line of the City of Ft. Wright to the west corporation line of the City of Covington; thence north with the west corporation line of the City of Covington to the center line of Montaque Road and Lewis Street; thence northeast and with the line of Devou Park to the center line of Eighth Street extended westwardly; thence east along the center line of Eighth Street to the center line of Willow Run; thence south with the center line of Willow Run to the center line of Pike Street; thence east with the center line of Pike Street to the center line of Main Street; thence south with the center line of Main Street to the center line of Twelfth Street; thence east wth the center line of Twelfth Street to the center line of Madison Avenue; thence north with the center line of Madison Avenue to the center line of Eleventh Street; thence east with the center line of Eleventh Street to the Licking River; thence south with the Licking River to the place of beginning.

(66) Sixty-sixth District. That part of the County of Kenton, partly in the City of Covington, described as follows:

Beginning at the Licking River and the center line of Eleventh Street; thence west with the center line of Eleventh Street to the center line of Madison Avenue; thence south with the center line of Madison Avenue to the center line of Twelfth Street; thence west with the center line of Twelfth Street to the center line of Main Street; thence north with the center line of Main Street to the center line of Pike Street; thence west with the center line of Pike Street to the center line of Willow Run; thence north with the center line of Willow Run to the center of Eighth Street; thence west with the center line of Eighth Street to the east line of Devou Park; thence southwest and south with the line of Devou Park to the intersection of Lewis Street and Montaque Road; thence west with the center line of Mantague Road and the southern and western boundary line of Devou Park also the corporation line of the City of Covington to the center line of the Southern Railroad; thence southwestwardly with the center line of the Southern Railroad to the center line of Beechwood Road; thence south with the center line of Beechwood Road to the north corporation line of the City of S. Ft. Mitchell; thence westwardly and southwardly with the corporation line of the City of S. Ft. Mitchell as it meanders to the east corporation line of the City of Lakeside Park; thence northwardly and westwardly with north corporation line of the City of Lakeside Park to the east corporation line of the City of Crestview Hills; thence northwardly with the east corporation line of the City of Crestview Hills to the northeast corner of the City of Crestview Hills and the northwest corner of the City of Crescent Park; thence with a line due north to the center line of the Southern Railroad; thence eastwardly with the center line of the Southern Railroad to the center line of Dry Creek; thence with Dry Creek as it meanders in a northwesterly direction

to the Boone County Line; thence north with the Boone County Line to the Ohio River; thence in an easterly direction, along the Ohio River to the Licking River; thence south with the Licking River to the center line of Eleventh Street, the place of beginning.

(67) Sixty-seventh District. That part of the County of Campbell comprising the City of Newport.

(68) Sixty-eighth District. That part of the County of Campbell described and bounded as follows: Beginning at the Licking River and the southwestern boundary of the City of Wilders; thence with the southern boundary of the City of Wilders to the southern boundary of the City of Southgate; thence with the southern and eastern boundaries of the City of Southgate to the intersection with Highland Avenue in the City of Fort Thomas; thence with the center line of Highland Avenue, and the center line of Highland Avenue if extended, eastwardly to the north shore of the Ohio River at low water; thence northwest along the north shore of the Ohio River at low water to the northwest boundary, if extended, of the City of Bellevue; thence following the eastern, southern, and western boundaries of the City of Newport to the Licking River; thence south with the Licking River to the place of beginning.

(69) Sixty-ninth District. That part of the County of Campbell which is not contained in the Sixty-Seventh or Sixty-Eighth District.

(70) Seventieth District. Bracken and Mason Counties.

(71) Seventy-first District. Robertson, Fleming and Rowan Counties.

(72) Seventy-second District. Bourbon and Nicholas Counties.

(73) Seventy-third District. Clark and Powell Counties.

(74) Seventy-fourth District. Montgomery, Menifee and Bath Counties.

(75) Seventy-fifth District. Carter and Lewis Counties.

(76) Seventy-sixth District. Greenup County.

(77) Seventy-seventh District. Knott and Magoffin Counties.

(78) Seventy-eighth District. Lee, Breathitt and Wolfe Counties.

(79) Seventy-ninth District. Jackson, Owsley and Estill Counties.

(80) Eightieth District. Lincoln and Rockcastle Counties.

(81) Eighty-first District. Casey, Russell and Cumberland Counties.

(82) Eighty-second District. Wayne, Clinton and McCreary Counties.

(83) Eighty-third District. Pulaski County.

(84) Eighty-fourth District. Whitley County.

(85) Eighty-fifth District. Laurel County.

(86) Eighty-sixth District. Knox County.

(87) Eighty-seventh District. Bell County.

(88) Eighty-eighth District. That part of the County of Harlan which on October 1, 1942 embraced the following voting precincts: Court House No. 1, Court House No. 1A, Shop No. 2, City Hall No. 3, Cumberland Avenue No. 4, Kitts No. 5, Coxton No. 6, Verda No. 7, Kildav No. 7A, Verda No. 7B, Verda No. 7C, Evarts No. 8, Griffeyville No. 8A, North Evarts No. 9, Black Mountain No. 10, Brittians Creek No. 10A, Dizney No. 10B, Shields No. 11, Gano No. 11A, Ridgeway No. 11B, High Splint No. 12, Klondike No. 13, Clover No. 14, Sunshine No. 34, Elcomb No. 35, Perkins No. 36, Bardo No. 36A, Tway No. 37, Grays Knob No. 38, Lena Rue No. 39, Mary Helen No. 39A, Cawood No. 40, Hiram No. 40A, Smith No. 41, Martins Fork No. 42, Cranks No. 43, Ages No. 47, Brookside No. 47A, Louellen No. 51, Yancey No. 53, Pansy No. 53A, Chevrolet No. 54, Crummies No. 55, Three Point No. 56, Clovertown No. 58, Clover Splint No. 60.

(89) Eighty-ninth District. That part of the County of Harlan which on October 1, 1942 embraced the following voting precincts: Baxter No. 15, Dillon No. 16, Cumberland No. 17, Cumberland No. 17A, Cumberland No. 17B, Cumberland No. 17C, Blair No. 17D, Corder No. 17E, Pee Vee No. 18, Benham No. 19, Benham No. 20, Lynch No. 21, Lynch No. 22, Lynch No. 23, Lynch No. 24, Wilhoit No. 25, Pine Flat No. 26, Wallins No. 27, Wallins No. 27A, Kentucky King No. 29, Layman No. 31, Molus No. 32, Pucketts No. 33, Pine Mountain No. 44, Big Laurel No. 44A, Bledsoe No. 45, Salts No. 46, Totz No. 48, Black Starr No. 49, Loyall No. 50, Loyall No. 50A, Twila No. 52, Insull No. 57, Green Morris No. 59, Lewis No. 61.

(90) Ninetieth District. Clay and Leslie Counties.

(91) Ninety-first District. Letcher County.

(92) Ninety-second District. Perry County.

(93) Ninety-third District. That part of the County of Pike which on October 1, 1942 embraced Magisterial District No. 2, Magisterial District No. 3, Magisterial District No. 4, and Magisterial District No. 8, and the following precincts in Magisterial District No. 1: South Pike No. 1, West Pike No. 80, Island Creek No. 39, Upper Chloe No. 40, Mill (City) No. 51, Harolds Branch No. 82, Middle Chloe No. 87, North Pike (School House) No. 16.

(94) Ninety-fourth District. That part of the County of Pike which on October 1, 1942 embraced Magisterial District No. 5, Magisterial District No. 6, and Magisterial District No. 7, and the following precincts in Magisterial District No. 1: Coal Run No. 15, Hurricane No. 41, Cow Pen No. 47, Ratliffs Creek No. 81, West Pike (City) No. 56, Lower Chloe No. 59.

(95) Ninety-fifth District. That part of the County of Floyd which on October 1, 1942 embraced the following magisterial districts: Magisterial District No. 1 and Magisterial District No. 2.

(96) Ninety-sixth District. That part of the County of Floyd

which on October 1, 1942 embraced the following magisterial districts: Magisterial District No. 3 and Magisterial District No. 4.

(97) Ninety-seventh District. Johnson and Martin Counties.

(98) Ninety-eighth District. Morgan, Elliott and Lawrence Counties.

(99) Ninety-ninth District. That part of the County of Boyd outside of the corporate limits of the City of Ashland but also including the following six precincts within the corporate limits: Herbst, Moore, Means, Barber, Lewis and Pollard.

(100) One-hundredth District. That part of the County of Boyd included within the corporate limits of the City of Ashland with the exception of the following precincts: Herbst, Moore, Means, Barber, Lewis and Pollard.

Section 2. Unless the context requires otherwise, any reference in this Act to a city, ward, district or precinct means that city, ward, district or precinct as its boundaries existed on the effective date of this Act.

Section 3: WHEREAS; Differences in population between the various districts warrant the assumption that inequality of representation exists in the House of Representatives and;

WHEREAS; Population among House districts cannot be equalized if no more than two counties may be joined in a representative district and the Court of Appeals having declared that more than two counties may be joined in a district and;

WHEREAS; Population, territory, contiguity and the internal integrity of counties (other than multi-district counties) are factors mentioned in the constitution, and;

WHEREAS; The constitution requiring reapportionment each ten years, but 20 years having elapsed since the reapportionment of 1942 and;

WHEREAS; Acts of the General Assembly ordinarily take effect ninety days after a Legislative Session, and the closing of the filing for primary candidates running for nomination for election to terms beginning January 1, 1964 fall within this time period an emergency is found to exist and this Act shall take effect upon signature by the Governor.

Orders of the Day

HB 3 taken from Orders of the Day on recommendation of the Rules Committee. Representative Moloney moved that it be placed on passage. Agreed.

Representative Moloney moved that the Committee Substitute for **HB 3** be adopted in lieu of original bill. Agreed. Read at length for the third time. Representative Moloney moved the Previous Question on **HB 3**.

On the roll call, the vote was yeas 51—Ashby, Bartley, Bates, Bleemel, John Young Brown, Bunnell, Carroll, Colley, Cottengim, Dixon, Dyer, Ellis, Farmer, Freeman, Frymire, Green, Hahn, Hale, Holloran, Houtchens, Howard, Huff, Hunt, Irick, Isler, Lewis N. Johnson, Jordan, Lankford, Lassiter, McCracken, Majors, Martin, Miller, Moloney, Luther F. Morgan, Murphy, Nicholls, Oelsner, Ostertag, Roberts, Sheehan, Slone, Slusher, J. D. Smith, Swinford, A. E. Tucker, Watkins, Whitlock, Wiseman, Harry W. Wood, Young. Nays 31—Ballenger, Blythe, A. Brown, Browning, Buky, Caldwell, Cornett, Cummins, Geveden, Hancock, Harris, Hensley, Hislope, Ingram, J. O. Johnson, Leister, Lesshafft, McCallum, F. Morgan, Patrick, Peniston, Render, Secrest, V. Smith, A. M. Tucker, Vickers, Webster, White, Willen, Wilson, and F. Wood.

The motion on the Previous Question on **HB 3** was adopted.

Representative Miller requested that he be shown as voting "Yea" on the motion on the Previous Question.

The Speaker vacated the Chair. Representative Morgan presided.

The Speaker resumed the Chair.

On the roll call, the vote was yeas 57—Alexander, Ashby, Bartley, Bates, Bleemel, John Young Brown, Bunnell, Colley, Cottengim, Dixon, Dyer, Ellis, Farmer, Freeman, Frymire, Green, Hahn, Hale, Holloran, Houtchens, Howard, Huff, Hunt, Ingram, Irick, Isler, Lewis N. Johnson, Jordan, Kirtley, Lacy, Lankford, Lassiter, Lowman, McCracken, Majors, Martin, Miller, Mills, Moloney, Luther F. Morgan, Murphy, Nicholls, Oelsner, Ostertag, Roberts, Sheehan, Slone, Slusher, J. D. Smith, Swinford, A. E. Tucker, Watkins, Watson, Whitlock, Wiseman, Harry W. Wood, Young. Nays 38—Ballenger, Barton, Blythe, A. Brown, Browning, Buky, Caldwell, Carroll, Cornett, Cummins, Fern, Geveden, Hancock, Harris, Hart, Hensley, Hill, Hinkle, Hislope, J. O. Johnson, Leister, Lesshafft, McCallum, Maddox, F. Morgan, Patrick, Peace, Peniston, Render, Secrest, V. Smith, Amelia Tucker, Vickers, Webster, White, Willen, Wilson and F. Wood.

HB 3 was passed and the title agreed to.

Representative Moloney moved that the vote by which **HB 3** was passed be reconsidered and said motion be laid on the table. Agreed.

Representatives Hill and A. Brown questioned the ruling of the Chair, concerning the status of **HB 3.**

Statement of the issue on which Mr. Hill and Mr. Brown questioned the ruling of the chair:

Mr. Hill raised the point of order that, it having been admitted in debate on the bill that the Majority Floor Leader, sponsor of House Bill No. 3, did not see House Bill No. 3 until 3 days after it was introduced, it being therefore impossible that House Bill No. 3 was signed by the sponsor prior to introduction as required by the

Rules of this House, House Bill No. 3 has never been properly introduced and does not exist.

The Speaker over-ruled the point of order, whereupon, Mr. Hill and Mr. Brown delivered a written question of the ruling of the chair requiring the issue and the yeas and nays thereon be spread upon the Journal. Whereupon, the yeas and nays were taken.

The ruling of the Chair is questioned on House Bill No. 3 and a vote of the House is demanded and the issue with the yeas and nays shall be entered on the Journal.

/s/ T. J. Hill
/s/ Archie Brown

On the roll call, the vote was yeas 76—Ashby, Ballenger, Bartley, Barton, Bates, Bleemel, John Young Brown, Browning, Buky, Bunnell, Caldwell, Carroll, Colley, Cottengim, Cummins, Dixon, Dyer, Ellis, Farmer, Fern, Freeman, Frymire, Geveden, Green, Hahn, Hale, Hampton, Hancock, Hensley, Hinkle, Holloran, Houtchens, Howard, Huff, Hunt, Irick, Isler, Jesse O. Johnson, Lewis N. Johnson, Jordan, Lacy, Lankford, Lassiter, McCallum, McCracken, Majors, Martin, Miller, Mills, Moloney, Fred Morgan, Luther F. Morgan, Murphy, Nicholls, Oelsner, Ostertag, Peace, Render, Roberts, Sheehan, Slone, Slusher, J. D. Smith, Virgil Smith, Sparks, Swinford, A. E. Tucker, Watkins, Watson, Webster, White, Whitlock, Wilson, Wiseman, Harry W. Wood, Young. Nays 2—A. Brown and Hill.

The ruling of the Speaker was upheld.

Representative Moloney moved that when the House adjourn it do so until 6 p.m., Monday, February 25, 1963. Agreed.

The Speaker vacated the Chair. Representative Oz Johnson presided.

Introduction

HR 17, by Representatives Isler, Oelsner, Sheehan, Cottengim, Ostertag, A. E. Tucker and Murphy: A RESOLUTION urging continued state assistance to local tuberculosis hospitals.

HR 17, A RESOLUTION urging continued state assistance to local tuberculosis hospitals.

WHEREAS, the Commonwealth of Kentucky has aided local tuberculosis hospitals for many years, a policy that has been pursued from a time when local hospitals were the only facilities available in this Commonwealth for the treatment of tuberculosis; and

WHEREAS, the 1962 report of the State Tuberculosis Hospital Commission, declaring that state-operated facilities are now adequate to care for the patients of the Kenton County and Warren County tuberculosis hospitals, recommends that these counties discontinue operations of their sanatoria and transfer their patients to one of the state hospitals; and

WHEREAS, the tuberculosis hospitals of Kenton and Warren Counties have played a significant role in the prevention and eradication of this dreaded ailment, and the benefits they confer upon the Commonwealth as a whole, in addition to Kenton and Warren Counties, more than recompense the people of the Commonwealth for the relatively small amount of assistance the state has been called upon to furnish; and

WHEREAS, the recovery of the men and women receiving treatment at these local institutions is materially facilitated by the morale-building effects of visits by friends and relatives, and such visits would be severely curtailed if the patients were removed from their home communities to be treated in distant state hospitals; and

WHEREAS, treatment of patients at the Kenton and Warren County tuberculosis hospitals is possible at greatly reduced cost to the people of the Commonwealth because of the efforts of the people of these counties, exemplified by their donations in the form of Christmas Seal sales, and such local effort in any form should be encouraged by our Commnowealth where, as in this case, the effort is conducive to the best interests of all the people of Kentucky;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the House of Representatives favors continuations of state aid to the tuberculosis hospitals of Kenton and Warren Counties, and urges continuation, in the budget bill to be considered by the 1964 regular session of the General Assembly, of state aid to such facilities; and that the Clerk of the House of Representatives shall transmit copies of this resolution to the State Tuberculosis Hospital Commission and to the Governor of this Commonwealth.

Representative Isler moved the adoption of **HR 17.** Agreed.

Representative Lowman moved that the House adjourn until 6 p.m., Monday, February 25, 1963. Agreed.

MONDAY, FEBRUARY 25, 1963

TWENTY-SECOND LEGISLATIVE DAY

The House was called to order by the Speaker.

Prayer by the Reverend J. Carter Roberts of the Church of the Nazarene of Frankfort.

The roll was called. All present except Representatives Dempsey, Denham, Frymire, Hislope, McCallum, McCracken, Mills, Patrick, Watkins, Whitlock, Willen and Wilson.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Isler moved that the reading of the Journal of Thursday, February 21, 1963, be dispensed with and the same be approved. Agreed.

Senate Message

Requesting the return of **SB 4** for further consideration.

Representative Moloney moved that the Senate's request for return of **SB 4** be granted. Agreed.

Motions, Petitions and Communications

HR 18, by Representative Colley: A RESOLUTION requesting the U. S. Government to utilize government-owned lands in Pike Co., Ky., for a conservation camp when the Congress creates the Youth Conservation Corps.

HR 18, A RESOLUTION requesting the United States Government to utilize government-owned lands in Pike County, Kentucky, for a conservation camp when the Congress creates the Youth Conservation Corps.

WHEREAS, the Congress of the United States is presently considering a proposal to establish a Youth Conservation Corps that would provide the training necessary for many of the nation's unemployed youth to enter the labor market; and

WHEREAS, in the creation of such an agency, one of the primary considerations would be to employ the corps in nonprofit, community programs such as are needed in the economically distressed area of eastern Kentucky; and

WHEREAS, the United States Government presently owns several hundred acres of land in the Flatwoods area near Elkhorn City, Pike County, Kentucky, that is ideally situated for one of these camps;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the United States Government be and it hereby is respectfully urged to utilize the government-owned lands near Elkhorn City, Pike County, Kentucky, for a youth conservation camp if the Congress of the United States creates a Youth Conservation Corps.

That the Clerk of the House transmit copies of this resolution to the President of the United States, Representative Carl D. Perkins, and Secretary of the Interior Stuart Udall.

Representative Colley moved the adoption of **HR 18.** Agreed.

HR 19, by Representative Colley: A RESOLUTION requesting the Governor to extend the time for licensing motor vehicles.

HR 19, A RESOLUTION requesting and petitioning the Governor to extend the time for licensing motor vehicles.

WHEREAS, March 1, 1963 is the statutory deadline for licensing of motor vehicles for the year 1963; and

WHEREAS, there appears to be a lag in purchasing licenses; and

WHEREAS, it would greatly increase the burden on the county clerks to issue licenses to those who have not already purchased such licenses in the short amount of time remaining;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Governor of the Commonwealth of Kentucky be requested and petitioned to grant a thirty-day extension of time from March 1, 1963, for licensing of Motor vehicles.

Section 2. That the Clerk of the House of Representatives send a certified copy of this resolution to the Honorable Bert T. Combs, Governor of the Commonwealth of Kentucky.

On the roll call, the vote was yeas 53—Ashby, Ballenger, Barton, Bates, Bleemel, Archie Brown, John Young Brown, Browning, Buky, Bunnell, Colley, Cottengim, Cummins, Dobyns, Ellis, Fern, Freeman, Green, Hahn, Hale, Hancock, Harris, Hart, Hensley, Hinkle, Holloran, Houtchens, Howard, Huff, Hunt, Ingram, Irick, Isler, Jordan, Kirtley, Lacy, Lankford, Majors, Martin, Luther F. Morgan, Peace, Render, Roberts, Secrest, Sheehan, Slone, Slusher, Virgil Smith, Sparks, Swinford, A. E. Tucker, Watson, Webster, Wiseman, Harry W. Wood. Nays 4—Alexander, Bartley, Peniston, F. Wood.

HR 19 was adopted.

Representative Moloney moved that when the House adjourn it do so until 11 a.m., Tuesday, February 26, 1963. Agreed.

Representative Moloney moved that the House adjourn until 11 a.m., Tuesday, February 26, 1963. Agreed.

TUESDAY, FEBRUARY 26, 1963

TWENTY-THIRD LEGISLATIVE DAY

The House was called to order by the Speaker.

Prayer by Mrs. Raymond J. Latham, World President of Methodist Women, New South Wales, Australia.

The roll was called. All present except Representatives Carroll, Dempsey, Denham, Dyer, Farmer, Fern, Frymire, Hampton, Hislope, Ingram, Lesshafft, Mills, Nicholls, Patrick, Secrest, Watkins, Whitlock, Willen and Wilson.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Isler moved that the reading of the Journal of Monday, February 25, 1963, be dispensed with and the same be approved. Agreed.

Senate Message

Announcing repassage of **SB 4.**

Recess

Representative Moloney moved that the House recess for 15 minutes for a Rules Committee meeting. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Motions, Petitions and Communications

HR 20, by Representatives J. D. Smith, Hale, Jordan, Bleemel, Irick, Lacy, Swinford, Freeman, Howard, L. Morgan, Ellis, Lankford, Hahn, Hensley, Colley, Huff, Martin, Sheehan, White, Cornett, Roberts and Slusher: A RESOLUTION petitioning the President of the United States to reject reports favoring relaxation of import controls on foreign residual oil.

HR 20, A RESOLUTION petitioning the President of the United States to reject reports favoring relaxation of import controls on foreign residual oil.

WHEREAS, the mining of bituminous coal is one of Kentucky's major industries, and, as such, contributes substantially to the over-all economy of the Commonwealth and particularly to the economic well-being of thousands of Kentuckians whose livelihood is dependent upon the coal, railroad and related industries; and

WHEREAS, the coal industry in Kentucky and elsewhere is now and has been for sometime in a depressed condition, which would be further compounded by any cause which would lessen coal's ability to compete in the fuels market; and

WHEREAS, the importation of foreign residual oil (waste) in an increasingly excessive volume at unrealistic prices has adversely affected coal's competitive position, and, thereby, has been and is now responsible for the displacement of millions of tons of American coal, and, hence, thousands of jobs and millions of dollars of wages to workers; and

WHEREAS, the President of the United States has received a report from the Office of Emergency Planning recommending that there be a gradual relaxation of import controls on foreign residual oil; and

WHEREAS, the supporting reason given by Mr. Edward A. McDermott, Director of the Office of Emergency Planning, is that such relaxation will not adversely affect the security of this nation; and

WHEREAS, this supporting reason is based on the statement that, in conventional-type warfare, oil tankers from Central and South America could deliver crude and residual oil to the east coast, which is extremely difficult, if not impossible, to justify and substantiate, especially if the experience to the contrary in World War II, when Germany with only seventy-five submarines did great damage to oil tankers in the Atlantic Ocean, is projected to the present-day situation with Russia having a reported six hundred or more modern submarines;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the House of Representatives, in special session assembled, does hereby petition the President of the United States to completely reject the report from the Office of Emergency Planning regarding the relaxation of import controls on foreign residual oil, and, further, that he utilize existing legislative authority to implement a program which will keep these imports within limitations that will permit domestic coal and oil to maintain production at a level which will protect the security and economy of this nation, and thereby halt further economic hardship upon the coal industry, the coal-hauling railroads and related industries, and upon the Kentuckians and other Americans whose employment is provided by these industries.

BE IT FURTHER RESOLVED that the Clerk of the House of Representatives transmit a copy of this resolution to the President of the United States, the President of the U. S. Senate, the Speaker of the U. S. House of Representatives and the members of Congress from the Commonwealth of Kentucky.

Representative J. D. Smith moved the adoption of **HR 20.** Agreed.

Report of Committee

Committee on Rules reported **SB 4** with the expression of opinion that same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 4, AN ACT relating to state senatorial districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1: KRS 6.010 is amended to read as follows:

The Commonwealth of Kentucky is divided into senatorial districts as follows:

(1) First District: Carlisle, Hickman, Fulton, Graves and Marshall Counties.

(2) Second District: Ballard, McCracken and Livingston Counties.

(3) Third District: Pike County.

(4) Fourth District: Henderson, Union, Webster and Crittenden Counties.

(5) Fifth District: Muhlenberg, Todd, Logan, Simpson and Butler Counties.

(6) Sixth District: Lyon, Caldwell, Hopkins and McLean Counties.

(32) Thirty-second District: Breckinridge, Ohio, Grayson, Edmonson and Warren Counties.

(8) Eighth District: Daviess and Hancock Counties.

(9) Ninth District: Larue, Hart, Barren, Metcalfe and Allen Counties.

(10) Tenth District: Meade and Hardin Counties.

(11) Eleventh District: Campbell County.

(12) Twelfth District: That part of the County of Fayette which is outside of the corporate limits of the City of Lexington.

(13) Thirteenth District: That part of the County of Fayette comprising the City of Lexington.

(14) Fourteenth District: Bullitt, Nelson, Washington, Marion and Boyle Counties.

(15) Fifteenth District: McCreary, Pulaski, Lincoln, Casey and Taylor Counties.

(16) Sixteenth District: Monroe, Cumberland, Clinton, Russell, Adair, Green and Wayne Counties.

(17) Seventeenth District: Whitley, Knox and Bell Counties.

(18) Eighteenth District: Lewis, Carter, Greenup and Elliott Counties.

(19) Nineteenth District: Rockcastle, Jackson, Owsley, Laurel, and Clay Counties.

(20) Twentieth District: Shelby, Spencer, Anderson, Franklin and Scott Counties.

(21) Twenty-first District: Leslie and Harlan Counties.

(22) Twenty-second District: Madison, Garrard, Jessamine, Mercer and Woodford Counties.

(23) Twenty-third District: Letcher and Perry Counties.

(24) Twenty-fourth District: Kenton County.

(25) Twenty-fifth District: Boyd, Lawrence and Johnson Counties.

(26) Twenty-sixth District: Oldham, Henry, Owen, Trimble, Carroll, Gallatin and Boone Counties.

(27) Twenty-seventh District: Mason, Fleming, Bath, Morgan, Menifee and Rowan Counties.

(28) Twenty-eighth District: Montgomery, Powell, Estill, Lee, Breathitt, Wolfe, Clark and Magoffin Counties.

(29) Twenty-ninth District: Martin, Floyd and Knott Counties.

(30) Thirtieth District: Grant, Pendleton, Bracken, Robertson, Harrison, Nicholas and Bourbon Counties.

(31) Thirty-first District: Calloway, Trigg and Christian Counties.

(7) Seventh District: That part of the County of Jefferson contained in all precincts of C District of the County which are precincts: C1, C2, C3, C4, C5, C6, C7, C8, 9, 10, C11, C12, C13, C14, C15, C16, C17, C18, C19, C20, C21, C22, C23, C24, C25, C26, C27, C28, C29, C30, C31, C32, C33, C34, C35, C36, C37, C38, C39, C40, C41, C42, C43, C44, C45, C46, C47, C48, C49, C50, C51, C52, C53, C54, C55, C56, C57, C58, C59, C60, C61, C62, C63; and, in addition, that part of the County of Jefferson contained within precincts 18 and 19 within the boundaries of Ward Four of the City of Louisville; that part of the County of Jefferson contained within precinct 20 within the boundaries of Ward Seven of the City of Louisville.

(33) Thirty-third District: That part of the County of Jefferson contained within the boundaries of Ward Twelve of the City of Louisville; that part of the County of Jefferson contained within the boundaries of Ward Eleven of the City of Louisville; that part of the County of Jefferson contained within precincts 6, 9, and 16 within the boundaries of Ward Nine of the City of Louisville; that part of the County of Jefferson contained within precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 within the boundaries of Ward Ten of the City of Louisville.

(34) Thirty-fourth District: That part of the County of Jefferson contained in all precincts of B District of the County, with the

exception of precinct B-8, which are precincts B1, B2, B3, B4, B5, B6, B7, B9, B10, B11, B12, B13, B14, B15, B16, B17, B18, B19, B20, B21, B22, B23, B24, B25, B26, B27, B28, B29, B30, B31, B32, B33, B34, B35, B36, B37, B38, B39, B40, B41, B42, B43, B44, B45; and, in addition, that part of the County of Jefferson contained within precincts 8, 9, 10, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 23, 24, and 25 within the boundaries of Ward Two of the City of Louisville; that part of the County of Jefferson contained within precincts 28, 30 and 31 within the boundaries of Ward Three of the City of Louisville; that part of the County of Jefferson contained within precincts 14, 15, 16 and 17 within the boundaries of Ward Four of the City of Louisville.

(35) Thirty-fifth District: That part of the County of Jefferson contained within precincts 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 24 and 29 within the boundaries of Ward One of the City of Louisville; that part of the County of Jefferson contained within precincts 1, 2, 3, 4, 5, 6 and 7 within the boundaries of Ward Two of the City of Louisville; that part of the County of Jefferson contained within precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 29 within the boundaries of Ward Three of the City of Louisville; that part of the County of Jefferson contained within precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 within the boundaries of Ward Four of the City of Louisville; that part of the County of Jefferson contained within precincts 2, 4, 6, 8, 11, 12, 13, 16, 20, 21 and 22 within the boundaries of Ward Five of the City of Louisville; and, in addition, that part of the County of Jefferson contained within precinct B8 of B District of the County.

(36) Thirty-sixth District: That part of the County of Jefferson contained in all precincts of A District of the County which are precincts: A1, A2, A3, A4, A5, A6, A7, A8, A9, A10, A11, A12, A13, A14, A15, A16, A17, A18, A19, A20, A21, A22, A23, A24, A25, A26, A27, A28, A29, A30, A31, A32, A33, A34, A35, A36, A37, A38, A39, A40, A41, A42, A43, A44, A45, A46, A47, A48, A49, A50, A51, A52, A53, A54, A55, A56, A57; and, in addition, that part of the County of Jefferson contained within precincts 1, 20, 22, 23, 25, 26, 27 and 28 within the boundaries of Ward One of the City of Louisville; that part of the County of Jefferson contained within precincts 16, 17 and 26 within the boundaries of Ward Two of the City of Louisville.

(37) Thirty-seventh District: That part of the County of Jefferson contained within precincts 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 within the boundaries of Ward Ten of the City of Louisville; that part of the County of Jefferson contained within precincts 1, 2, 3, 4, 5, 7, 8, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23 and 24 within the boundaries of Ward Nine of the City of Louisville; that part of the County of Jefferson contained within precincts 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 17, 20 and 23 within the

boundaries of Ward Eight of the City of Louisville; that part of the County of Jefferson contained within precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 23 and 25 within the boundaries of Ward Seven of the City of Louisville.

(38) Thirty-eighth District: That part of the County of Jefferson contained within precincts 3, 14, 15, 16, 18, 19, 21, 22, 24, 25, 26 and 27 within the boundaries of Ward Eight of the City of Louisville; that part of the County of Jefferson contained within precincts 22, 24 and 26 within the boundaries of Ward Seven of the City of Louisville; that part of the County of Jefferson contained within the boundaries of Ward Six of the City of Louisville; that part of the County of Jefferson contained within precincts 1, 3, 5, 7, 9, 10, 14, 15, 17, 18, 19, 23, 24, 25, 26, 27, 28 and 29 within the boundaries of Ward Five of the City of Louisville; that part of the County of Jefferson contained within precincts 20, 21, 22, 23, 24, 25, 26 and 27 within the boundaries of Ward Four of the City of Louisville.

Section 2. Any reference in this Act to a city, ward, district or precinct means that city, ward, district or precinct as its boundaries existed on the effective date of this Act.

Section 3. In the event any Senator now elected should resign or die prior to the expiration of his term, the vacancy shall be filled by an election for the unexpired term, as now provided by law, in the Senatorial District as defined in Chapter 1, Acts of the General Assembly, Extraordinary Session Begun on March 10, 1942, and Ended on April 8, 1942.

Section 4. WHEREAS; Acts of the General Assembly ordinarily take effect ninety days after a Legislative Session, and the closing of the filing for primary candidates running for nomination for election from Senatorial Districts One, Three, Five, Seven, Nine, Eleven, Thirteen, Fifteen, Seventeen, Nineteeen, Twenty-one, Twenty-three, Twenty-five, Twenty-seven, Twenty-nine, Thirty-one, Thirty-three, Thirty-five and Thirty-seven for terms beginning January 1, 1964 fall within this time period an emergency is found to exist and this Act shall take effect upon signature by the Governor.

Representative Moloney moved that when the House adjourn it do so until 11 a.m., Wednesday, February 27, 1963. Agreed.

Representative Moloney moved that the House adjourn until 11 a.m., Wednesday, February 27, 1963. Agreed.

WEDNESDAY, FEBRUARY 27, 1963

TWENTY-FOURTH LEGISLATIVE DAY

The House was called to order by the Speaker.

Prayer by Reverend H. Ward Jackson of the Church of the Ascension of Frankfort.

The roll was called. All present except Representatives Ballenger, A. Brown, J. Y. Brown, Bunnell, Carroll, Dempsey, Farmer, Freeman, Hampton, Harris, Hart, Hinkle, O. Johnson, Lesshafft, Miller, Mills, Sheehan, Wilson, F. Wood, and H. Wood.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Isler moved that the reading of the Journal of Tuesday, February 26, 1963, be dispensed with and the same be approved. Agreed.

Senate Message

Announcing passage of **HB 3.**

Report of Committee

Committee on Rules reported **SR 9** with the expression of opinion that the same should pass.

SR 9, A CONCURRENT RESOLUTION honoring the memory of Vego E. Barnes.

WHEREAS, the Maker summoned unto Himself Vego E. Barnes on November 20, 1962, thus ending a life of faithful and devoted service which contributed immeasurably to the progress of his beloved Commonwealth; and

WHEREAS, he gave so unstintingly of his time and efforts to champion the cause of the aged, and the orphaned, dependent and neglected children of Kentucky, who will long continue to pay tribute to his memory; and

WHEREAS, the services rendered to the people of Kentucky were such that it is deemed fitting and proper that his memory be perpetuated by inscribing this biography upon the Journals of the Senate and House of Representatives, as follows:

Vego E. Barnes, humanitarian, was born in Fruithill, Christian County, Kentucky, April 4, 1889.

A born leader, he was for more than forty years a powerful political leader in the Democratic Party, although rarely making a political speech.

A peace-maker, he never allowed his friends to fight among themselves, and, although he possessed a great zeal to win, he never wished to destroy any man.

He began his political career as a Deputy County Court Clerk at the age of twenty-one. He served as postmaster of Hopkinsville, Master Commissioner and campaign chairman for the second presidential campaign of Franklin D. Roosevelt, giving him the largest Democratic majority that any candidate had received up to that time.

It was his inspiration, influence and leadership that built the Capitol Annex; that created the Kentucky Merit System for employes of state and local governments; that won Social Security for these employes; and, it was his efforts that won payments to the jobless of Kentucky higher than those paid by any other southern state.

He was the first Commissioner of the Department of Economic Security and under his guidance it grew to be the second largest state department, exceeded only by the Department of Highways.

He served the people of the Commonwealth as Executive Director of the Unemployment Insurance Division and as the Commissioner of the Department of Economic Security under six different state administrations.

He volunteered and served in both World Wars and retired as a full Colonel in the U. S. Army.

The work Vego E. Barnes most enjoyed was providing homes for orphaned children, and was more concerned with whether a child would be loved and cared for than whether his eyes and hair coloring matched those of the prospective parents; and

WHEREAS, he served his nation faithfully and gave of his finest talents to service to the people of this Commonwealth;

NOW, THEREFORE,

Be it resolved by the Senate of The Commonwealth of Kentucky, the House of Representatives concurring therein:

That the Senate and House of Representatives be recorded as recognizing the indebtedness of this Commonwealth for the lifetime of service devoted to the people of this state by Vego E. Barnes.

That the clerks of the Senate and House of Representatives perpetuate the recognition of Vego E. Barnes by setting out this resolution at length in the journals of the respective chambers; and that the Clerk of the Senate transmit to Mrs. Emma Barnes, 419 Bauer Avenue, Louisville, Kentucky, a copy of this resolution.

Representative Nicholls moved that **HB 4** be taken from the Rules Committee and given its first reading.

On the roll call, the vote was yeas 39—Barton, Blythe, Browning, Buky, Caldwell, Colley, Cornett, Cummins, Denham, Dobyns, Green, Hahn, Hancock, Hensley, Hill, Hislope, Huff, Irick, Lacy, Lankford, Lassiter, McCallum, McCracken, Fred Morgan, Nicholls, Ostertag, Patrick, Peace, Render, Secrest, Slone, Slusher, Virgil Smith, Sparks, Amelia M. Tucker, Vickers, Watkins, Watson, Whitlock. Nays 12—Ashby, Bates, Bleemel, Dixon, Ellis, Majors, Moloney, Swinford, A. E. Tucker, Webster, Wiseman and Young.

The motion to take **HB 4** from the Rules Committee was rejected.

Representative Dixon moved the adoption of **SR 9.** Agreed.

Report on Enrolled Bills

Committee on Enrollment reported that **HB 3** had been examined and found correctly enrolled. **HB 3** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

Representative Moloney moved that when the House adjourn it do so until 10 a.m., Thursday, February 28, 1963. Agreed.

Calendar

SB 4 was taken from the Calendar and ordered read at length for the second time. Representative Moloney moved that it be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Representative A. E. Tucker moved that the Rules be suspended for the purpose of introducing a resolution. Agreed.

Introduction of Resolution

HR 21, by Representative A. E. Tucker: A RESOLUTION honoring Mrs. W. M. Fields on her 100th birthday.

HR 21, A RESOLUTION honoring Mrs. W. M. Fields on her 100th Birthday.

WHEREAS, Mrs. W. M. Fields, a citizen of this Commonwealth beloved by her friends, neighbors and family, celebrates on this day the 100th anniversary of her birth; and

WHEREAS, the members of this House are personally acquainted with Mrs. Fields, having been introduced to her during the 1962 session by her grandson, Representative T. J. Hill, III; and

WHEREAS, the members of the House rejoice in the knowledge that she has been blessed with a century of useful life; and

WHEREAS, Mrs. Fields will be honored by her family at a celebration marking this notable occasion, to be held on Sunday, March 3;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the House of Representatives extends its sincerest greetings to Mrs. W. M. Fields on the occasion of her 100th birthday, and offers its congratulations and best wishes as she enters the second century of her life; and that the clerk of the House be directed to send a copy of this resolution to Mrs. Fields.

Representative A. E. Tucker moved the adoption of **HR 21.** Agreed.

Representative Moloney moved that the House adjourn until 10 a.m., Thursday, February 28, 1963. Agreed.

THURSDAY, FEBRUARY 28, 1963

TWENTY-FIFTH LEGISLATIVE DAY

The House was called to order by the Speaker.

Prayer by Monsignor Joseph A. O'Dwyer of the Church of Good Shepherd of Frankfort.

The roll was called. All present except Representatives Hampton, Harris, Jordan, Lesshafft, Mills and Wilson.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Isler moved that the reading of the Journal of Wednesday, February 27, 1963, be dispensed with and the same be approved. Agreed.

Recess

Representative Moloney moved that the House recess for a Rules Committee Meeting. Agreed.

The Speaker resumed the Chair and called the House to order.

Representative Moloney moved that the House proceed to the Orders of the Day. Agreed.

Orders of the Day

SB 4 was taken from Orders of the Day and ordered read at length for the third time. Representative Moloney moved that it be read by title only. Agreed by a majority of members elected.

Representative Moloney moved the Previous Question on **SB 4.** Agreed.

On the roll call, the vote was yeas 73—Alexander, Ashby, Ballenger, Bartley, Barton, Bates, Bleemel, Browning, Bunnell, Colley, Cornett, Cottengim, Cummins, Dempsey, Denham, Dobyns, Dyer, Ellis, Farmer, Fern, Frymire, Green, Hahn, Hale, Hancock, Hensley, Hinkle, Hislope, Holloran, Houtchens, Huff, Ingram, Irick, Isler, Jesse O. Johnson, Lewis N. Johnson, Jordan, Kirtley, Lankford, McCallum, McCracken, Majors, Martin, Miller, Moloney, Fred Morgan, Luther F. Morgan, Murphy, Nicholls, Oelsner, Ostertag, Patrick, Peace, Peniston, Roberts, Secrest, Sheehan, Slone, Slusher, J. D. Smith, Virgil Smith, Sparks, Swinford, Vickers, Watkins, Watson, Webster, White, Willen, Wilson, Wiseman, Harry W. Wood, Young. Nays 20—Blythe, A. Brown, J. Y. Brown, Buky, Caldwell, Carroll, Freeman, Geveden, Hill, Howard, Hunt, Lacy, Lassiter, Leister, Maddox, Render, A. E. Tucker, Amelia Tucker, Whitlock and F. Wood.

SB 4 was passed and the title agreed to.

Representative Morgan moved that the vote by which **SB 4** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Moloney moved that the report compiled by the Commission on Reapportionment be spread upon the Journal. Agreed.

February 28, 1963

Memorandum

To: Representative R. P. Moloney, Chairman, Commission on Reapportionment

From: James T. Fleming, Staff Secretary

Subject: General Effects of Reapportionment Bills

The attached tables set forth the general effects with respect to district populations of HB 3 and SB 4.

Under HB 3, 44.8% of the people would be necessary to elect 51 Representatives, the figure now is 34.1%. In this classification, Kentucky would rise from 25th among the 50 states to 7th. The large districts would have a total of 190,761 people above the 30,382 state-wide average. This surplus, or diluted vote, now totals 575,448. HB 3 would wipe out all variations of 50% or more from the average, presently there are 15 such districts. The number varving by as much as 25% from the average would be reduced from 51 to 12.

Of the 83 House districts under HB 3 outside of Jefferson County; 15 are in single county districts which remain unchanged; 15 are in multi-district counties to which one or more seats have been added to the old district (or districts); 14 are in old multi-district counties which remain unchanged or in which lines have been shifted to equalize population; 18 are in two-county districts which remain unchanged; 8 are in new two-county districts; 12 are in new three-county districts; and one is a new four-county district.

Under SB 4 a minimum of 46.6% of the people would be required to elect 20 Senators. Kentucky would rise from 9th to 6th in the nation in this classification. When the minimum requirements of the two Houses are combined, Kentucky ranks second only to Oregon with respect to the effective weight of a person's vote and a balanced relationship exists between the two houses.

SB 4 would reduce the number of persons in the large districts above the 79,951 state-wide average from 384,986 to 185,481. One Senate district (Kenton County) instead of the present three-districts would vary by as much as 50% above the average. The number of districts varying by as much as 25% from the average would be reduced from 8 to 2.

The data upon which these figures are based are more firm than those used in our Commission Report. Dr. Virgil Christian and mem-

bers of the General Assembly have been able to supply more firm figures on the present and prospective make-up of multi-district counties.

HB 3–Smallest Percent to Elect 51–(1,359,702)–44.8%
Would be 7th in the Nation (Now 25th)
Above average districts have total of 190,761 above 30,382
Now above average have total of 575,448

District Variation From 30,382

Percent	Now	HB 3
–50.1 and Over	6	0
–25.1 to 50	30	5
–15.1 to 25	16	15
– 5.1 to 15	10	15
– 0.1 to 5	9	19
+ 0.1 to 5	4	7
+ 5.1 to 15	8	25
+15.1 to 25	2	7
+25.1 to 50	6	7
+50.1 and Over	9	0

SB 4–Smallest Percent to Elect 20 (1,415,084)–46.6%
Would be 6th in the Nation (Now 9th)
Above average districts have total of 185,481 above 79,951
Now above average have total of 384,986

District Variation From 79,951

Percent	Now	SB 4
–50.1 and Over	0	0
–25.1 to 50	5	0
–15.1 to 25	9	6
– 5.1 to 15	10	11
– 0.1 to 5	3	1
+ 0.1 to 5	2	4
+ 5.1 to 15	4	11
+15.1 to 25	1	3
+25.1 to 50	1	1
+50.1 and Over	3	1

REPRESENTATIVENESS INDEX–91.4
Second only to Oregon with 95.9

26 February 1963/J. T. F.

PROPOSED SENATORIAL DISTRICTS

SENATE BILL NO. 4

(1960 Population)

(1)	Carlisle, Hickman, Fulton, Graves, Marshall	70,368
(2)	Ballard, McCracken, Livingston	72,626
(3)	Pike	68,264
(4)	Henderson, Union, Webster, Crittenden	70,948
(5)	Muhlenberg, Todd, Logan, Simpson, Butler	81,185
(6)	Lyon, Caldwell, Hopkins, McLean	66,810
(7)	Jefferson	88,826
(8)	Daviess, Hancock	75,918
(9)	Larue, Hart, Barren, Metcalfe, Allen	73,404
(10)	Meade, Hardin	86,727
(11)	Campbell	86,803
(12)	Fayette—County	69,096
(13)	Fayette—Lexington	62,810
(14)	Bullitt, Nelson, Washington, Marion, Boyle	87,206
(15)	McCreary, Pulaski, Lincoln, Casey, Taylor	93,981
(16)	Monroe, Cumberland, Clinton, Russell, Adair, Green, Wayne	80,244
(17)	Whitley, Knox, Bell	86,409
(18)	Lewis, Carter, Greenup, Elliott	69,500
(19)	Rockcastle, Jackson, Owsley, Laurel, Clay	74,029
(20)	Shelby, Spencer, Anderson, Franklin, Scott	77,588
(21)	Leslie, Harlan	62,048
(22)	Madison, Garrard, Jessamine, Mercer, Woodford	83,363
(23)	Letcher, Perry	65,063
(24)	Kenton	120,700
(25)	Boyd, Lawrence, Johnson	84,045
(26)	Oldham, Henry, Owen, Trimble, Carroll, Gallatin, Boone	71,499
(27)	Mason, Fleming, Bath, Morgan, Menifee, Rowan	66,598
(28)	Montgomery, Powell, Estill, Lee, Breathitt, Wolfe, Magoffin, Clark	94,276
(29)	Martin, Floyd, Knott	69,205
(30)	Pendleton, Bracken, Robertson, Harrison, Nicholas, Bourbon, Grant	67,881
(31)	Calloway, Trigg, Christian	86,746
(32)	Ohio, Grayson, Edmonson, Warren, Breckinridge	101,869
(33)	Jefferson	87,075
(34)	Jefferson	87,634
(35)	Jefferson	92,117
(36)	Jefferson	86,931

(37) Jefferson ---------- 85,239
(38) Jefferson ---------- 83,125
TOTAL---------- 3,038,156

21 February 1963/J. T. F.

HOUSE COMMITTEE SUBSTITUTE FOR HB NO. 3

1st. Ballard, Carlisle, Fulton, Hickman–31,902
2nd. Graves–30,021
3rd. McCracken (present 4th)–28,653 ave.
4th. McCracken (present 5th)–28,653 ave.
5th. Calloway, Trigg–29,842
6th. Marshall, Lyon, Caldwell–35,733
7th. Union, Crittenden, Livingston–30,214
8th. Christian (Hopkinsville plus two pcts.)–29,202 est.
9th. Christian (County minus two pcts.)–27,702 est.
10th. Hopkins–38,458
11th. Henderson–33,519
12th. Webster, McLean–23,599
13th. Daviess (Owensboro minus seven pcts.)–35,294 ave.
14th. Daviess (County plus seven pcts.)–35,294 ave.
15th. Muhlenberg–27,791
16th. Todd, Logan–32,260
17th. Butler, Ohio, Hancock–32,641
18th. Breckinridge, Meade–33,672
19th. Grayson, Edmonson–23,919
20th. Warren (Bowling Green minus three pcts.)–23,041
21st. Warren (County plus three pcts.)–22,450
22nd. Simpson, Allen–23,817
23rd. Barren–28,303
24th. Hart, Larue–24,465
25th. Hardin (half of pcts).–33,894 ave.
26th. Hardin (half of pcts.)–33,894 ave.
27th. Monroe, Metcalfe–20,166
28th. Green, Adair–25,948
29th. Marion, Taylor–33,172
30th. Nelson, Anderson–30,786
31st. Bullitt, Spencer–21,406

32nd–Jefferson: All of Ward One plus A–2-3-29-30-49-56
POPULATION–40,480

33rd.–Jefferson: All of Ward Two plus A–17-39
B 31-34-29-33-3-1-2-30
POPULATION–37,938

34th–Jefferson: All of Ward Three plus B–16-38
POPULATION–33,652

35th–Jefferson: All of Ward Four plus B–8-11-12
POPULATION–40,168

36th—Jefferson:	All of Ward Five POPULATION—34,778
37th—Jefferson:	All of Ward Six POPULATION—34,795
38th—Jefferson:	All of Ward Seven plus C—20-24-36 POPULATION—33,080
39th—Jefferson:	All of Ward Eight POPULATION—32,534
40th—Jefferson:	All of Ward Nine plus C—9-25 POPULATION—31,620
41st—Jefferson:	All of Ward Ten POPULATION—32,840
42nd—Jefferson:	All of Ward Eleven POPULATION—34,000
43rd—Jefferson:	All of Ward Twelve POPULATION—33,443
44th—Jefferson:	C—1-2-3-4-5-6-10-15-26-27-28-29-35-37-38-39-41-48-49-51-52-59-62-63 POPULATION—33,076
45th—Jefferson:	C—7-8-11-16-17-18-19-21-23-30-31-33-34-40-42-43-44-45-46-47-50-53-54-55-56-57-58-60-61 POPULATION—40,032
46th—Jefferson:	C—12-13-14-22-32 B—10-13-14-15-17-18-19-20-21-22-23-25-26 B—32-36-37-40-41-42-43-44 POPULATION—38,264
47th—Jefferson:	B—4-5-6-7-9-24-27-28-35-39-45 A—5-15-16-18-19-20-21-22-23-26-27-28 A—34-35-36-37-38-42-43-50-51 POPULATION—40,331
48th—Jefferson:	A—1-4-6-7-8-9-10-11-12-13-14-24-25 A—31-32-33-40-41-44-45-46-47-48 A—52-53-54-55-57 POPULATION—39,910

49th. Washington, Mercer—25,764
50th. Boyle, Garrard—31,004
51st. Madison—33,482
52nd. Woodford, Jessamine—25,538
53rd. Fayette (present 50th)—31,818
54th. Fayette—31,330 est.
55th. Fayette—33,975 est.
56th. Fayette—34,789 est.
57th. Franklin—29,421
58th. Shelby, Henry—29,480

59th. Oldham, Trimble, Carroll—26,468
60th. Boone, Gallatin—25,807
61st. Owen, Grant, Pendleton—27,694
62nd. Scott, Harrison—29,080
63rd. Kenton—32,603 est.
64th. Kenton—30,155 est.
65th. Kenton—29,775 est.
66th. Kenton—28,252 est.
67th. Campbell (Newport)—30,070
68th. Campell—29,000 est.
69th. Campbell—28,000 est.
70th. Bracken, Mason—25,876
71st. Robertson, Fleming, Rowan—26,141
72nd. Bourbon, Nicholas—24,855
73rd. Clark, Powell—27,749
74th. Montgomery, Menifee, Bath—26,851
75th. Carter, Lewis—33,932
76th. Greenup—29,238
77th. Knott, Magoffin—28,518
78th. Lee, Breathitt, Wolfe—29,444
79th. Jackson, Owsley, Estill—28,512
80th. Lincoln, Rockcastle—28,837
81st. Casey, Russell, Cumberland—33,238
82nd. Wayne, Clinton, McCreary—36,049
83rd. Pulaski—34,403
84th. Whitley—25,815
85th. Laurel—24,901
86th. Knox—25,258
87th. Bell—35,336
88th. Harlan (present 89th)—25,553 ave.
89th. Harlan (present 90th)—25,553 ave.
90th. Clay, Leslie—31,689
91st. Letcher—30,102
92nd. Perry—34,961
93rd. Pike (present 94th)—34,132 ave.
94th. Pike (present 95th)—34,132 ave.
95th. Floyd (present 96th)—20,821 ave.
96th. Floyd (present 97th)—20,821 ave.
97th. Johnson, Martin—29,949
98th. Morgan, Elliott, Lawrence—29,520
99th. Boyd (County plus six pcts.)—25,902
100th. Boyd (Ashland minus six pcts.)—26,261

Motions, Petitions and Communications

HR 22, by Representative Mills: A RESOLUTION urging the construction of an institution of higher learning to be located at

Corbin, Kentucky, to be known as the Kentucky Institute of Technology.

HR 22, A RESOLUTION urging the construction of an institution of higher learning to be located at Corbin, Kentucky, to be known as the Kentucky Institute of Technology.

WHEREAS, there is need for a school of technology in this Commonwealth; and

WHEREAS, plans have been drawn for the construction of such an institute to be located at Corbin, Kentucky; and

WHEREAS, a sufficient amount of land, 118.72 acres, has been acquired for this purpose; and

WHEREAS, the plans for the Kentucky Institute of Technology provide for colleges of engineering, architecture, industrial administration, science and arts, and nursing; and

WHEREAS, the institute will be qualified to confer the degree of bachelor of science in the fields of engineering, architecture, industrial administration, home economics, mathematics, physics, chemistry and nursing; and

WHEREAS, the institute will be qualified to confer the degree of master of science in engineering, city planning, and industrial administration, and the degree of doctor of philosophy in the field of engineering; and

WHEREAS, the institute will be able to accommodate ten thousand students; and

WHEREAS, the construction of this institution would aid the economic recovery of Southeastern Kentucky;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Commonwealth of Kentucky and the Federal Government be urged to construct an institute of technology to be located at Corbin, Kentucky, to be known as the Kentucky Institute of Technology.

Section 2. That the clerk of the House of Representatives transmit a copy of this resolution to the Honorable Bert T. Combs, Governor of the Commonwealth of Kentucky, and the Honorable Anthony J. Celebrezze, Secretary of the United States Department of Health, Education and Welfare.

Representative Moloney moved adoption of **HR 22.** Agreed.

HR 23, by Representative Irick: A RESOLUTION honoring former Representative Amos Runyon and extending sympathy to his family upon his death.

HR 23, A RESOLUTION honoring former Representative Amos Runyon and extending sympathy to his family upon his death.

WHEREAS, the Honorable Amos Runyon was born in Pike County on May 29, 1881; and

WHEREAS, he devoted a number of years of his life to education, being a teacher and supervisor, and was Assistant Superintendent of Pike County Schools; and

WHEREAS, he served, four terms in the House of Representatives, beginning in 1943 and continuing through 1949; and

WHEREAS, he was married to Fannie J. Runyon on April 11, 1911, and from this union four sons were born: Claude Runyon, Clyde Runyon, Roy Runyon and Ernest Runyon; and

WHEREAS, his eldest son, Claude Runyon, has preceded him in death; and

WHEREAS, the Honorable Amos Runyon has now departed this life;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the House of Representatives recognizes and appreciates the life of able public service given by the Honorable Amos Runyon to his county and Commonwealth, and takes this means of honoring this great Kentuckian, extending sympathy to his family; and that a copy of this resolution be transmitted to his wife, Mrs. Fannie J. Runyon, and to his sons, Clyde Runyon, Roy Runyon and Ernest Runyon, and to his daughter-in-law, Mrs. Claude Runyon.

Representative Irick moved the adoption of **HR 23.** Agreed.

HR 24, by Representative Moloney: A CONCURRENT RESOLUTION expressing appreciation for work on reapportionment.

HR 24, A CONCURRENT RESOLUTION expressing appreciation for work on reapportionment.

WHEREAS, the Commission on Reapportionment appointed by the Governor having studied at length the subject of legislative reapportionment in Kentucky and other jurisdictions and having published a detailed analysis of the question, together with findings and recommendations; and,

WHEREAS, the work of this session having been greatly facilitated by the fact that the General Assembly had before it several detailed proposals for reapportionment of seats in the Senate and the House of Representatives; and,

WHEREAS, the proceedings of this session having been expedited by experienced staff assistance on the problem of reapportionment;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That this body recognizes the work of the Commission on reapportionment as having formed a basis for this Extraordinary Session, and that this body expresses its appreciation to the following membership of said Commission for their detailed work over a period of months and the presentation of findings and recommendations to the Governor of the Commonwealth of Kentucky: Honorable Earl Bellew, Olive Hill; Honorable Robert T. Burke, Jr., Louisville; Mayor William L. Cowger, Louisville; Judge Carroll Cropper, Burlington; Honorable Dewey Daniel, Hazard; Judge Edwin R. Denney, Lexington; Senator Durham Howard, Pineville; Honorable J. W. Howard, Prestonsburg; Senator Strother Melton, Paducah; Professor J. E. Reeves, Lexington; Representative Wayland Render, Centertown; Judge Charles White, Manchester; Representative R. P. Moloney, Sr., Chairman, Lexington.

Section 2. That this body recognizes the work of Mayor William L. Cowger of Louisville and Professors Malcom Jewell, Max Milam and J. E. Reeves of the University of Kentucky, and that their detailed proposals formed a nucleus about which the General Assembly could proceed in the matter of reapportionment; some elements of each of their plans have been incorporated into the eventual enactments.

Section 3. That this body commends Professor Virgil Christian of the University of Kentucky for his services as statistician to the General Assembly during this special session and for his work at deriving precise data on the population of legislative districts in multi-district counties.

Section 4. That this body recognizes the work of James T. Fleming, Frankfort, who served as Staff Secretary to the Commission on Reapportionment and who has aided this body by his technical drafting of reapportionment measures enacted.

Section 5. That the Clerk of the House of Representatives shall cause this Resolution to be printed and shall deliver a duly attested copy of this Resolution to those persons listed in the above sections.

Representative Moloney moved adoption of **HR 24.** Agreed.

HR 25, by Representatives Cottengim, Oelsner, Nicholls, Sheehan, and Green: A RESOLUTION honoring the memory of Thomas P. Fitzpatrick.

HR 25, A RESOLUTION honoring the memory of Thomas P. Fitzpatrick.

WHEREAS, the late Thomas P. Fitzpatrick served his city of Covington as its mayor in 1943 and 1944; his county of Kenton as its sheriff from 1945 to 1949; and his state as a member of the General Assembly for terms beginning in 1934, 1936, 1938, 1940, 1942, 1954, 1956, 1958, 1960 and 1962; and

WHEREAS, he served as a valued member of the Legislative Research Commission in 1956 when he was speaker of the House of Representatives and in 1962 when he was Majority Caucus Chairman of the House of Representatives; and

WHEREAS, the House of Representatives recognizes the services so ably and generously rendered by him to this Commonwealth;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That when the House of Representatives adjourns sine die, it does so in memory of Thomas P. Fitzpatrick; and that the clerk of the House of Representatives transmit a copy of this resolution to his wife, Mrs. Ida Fitzpatrick.

Representative Cottengim moved the adoption of **HR 25.** Agreed.

HR 26, by Representatives Cottengim and Oelsner: A RESOLUTION respectfully urging the United States Senate to pass the bill to establish a Youth Conservation Corps.

HR 26, A RESOLUTION respectfully urging the United States Senate to pass the bill to establish a Youth Conservation Corps.

WHEREAS, the United States Senate is considering a proposal to establish a Youth Conservation Corps; and

WHEREAS, a serious problem has been created by the one million youths from the ages of 16 to 22 years that are out of school and unemployed; and

WHEREAS, these young people lack the necessary skills to obtain employment; and

WHEREAS, the seriousness of the situation is evidenced by the actions of the President and the testimony of five Cabinet officers who appeared before the Senate labor subcommittee urging passage of the bill; and

WHEREAS, the program would provide training for approximately 1800 of Kentucky's unemployed youths;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the United States Senate be and hereby is respectfully urged to pass the Youth Conservation Corps bill; and that the clerk of the House of Representatives transmit copies of this resolution to Kentucky's United States Senators and to the presiding officer ot the United States Senate.

Representative Cottengim moved the adoption of **HR 26.** Agreed.

HR 27, by Representatives Cottengim, Oelsner and Sheehan: A RESOLUTION concerning the statue of William Goebel.

HR 27, A RESOLUTION concerning the statue of William Goebel.

WHEREAS, on January 30, 1900, the Honorable William Goebel was shot by an assassin in the yard of the Old State Capitol; and

WHEREAS, a memorial to this statesman was erected in front of the New State Capitol; and

WHEREAS, dissatisfaction has arisen as to this location, and the wisdom of the selection of the site for this memorial has been, and now is, in question; and

WHEREAS, a joint resolution was introduced at the 1962 session of the General Assembly to melt the statue and sell the metals obtained from such melting and return the proceeds to the Treasury of the Commonwealth; and

WHEREAS, there have been many proposals, together with necessary procedural details, for moving the statue and almost every citizen of the Commonwealth seems to have developed some idea as to the proper disposition of the statue; and

WHEREAS, an anonymous ad hoc commission of Northern Kentucky citizens seek removal of the statue to the Old Capitol, but Northern Kentucky legislators have not been consulted on the proper disposition of their favorite son; and

WHEREAS, it has been long traditional for Kentucky youth to come to Frankfort, drive three times around the statue, and thereby be initiated into the mysteries of the Capitol and its activities, and the moving of the statue from its present site would make such symbolic ceremony impractical and would end this well established tradition; and

WHEREAS, the removal of the memorial would be expensive to the Commonwealth and accomplish no useful purpose;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the monument to former Governor William Goebel be allowed to rest in peace at its present site in front of the new State Capitol.

Section 2. That the Clerk of the House of Representatives transmit a copy of this resolution to the Honorable Bert T. Combs, Governor of the Commonwealth of Kentucky.

On the roll call, the vote was yeas 32—Alexander, Bartley, Bleemel, John Young Brown, Buky, Bunnell, Cornett, Cottengim, Dempsey, Farmer, Hale, Holloran, Huff, Ingram, Isler, Martin, Miller, Moloney, Murphy, Nicholls, Oelsner, Peace, Roberts, Slusher, Virgil Smith, Swinford, A. E. Tucker, Watkins, Watson, Wilson, Wiseman, Young. Nays 22—Barton, Blythe, Cummins, Denham, Dixon, Ellis, Fern, Frymire, Geveden, Hahn, Hensley, Houtchens, McCallum, Maddox, L. Morgan, Peniston, Render, Webster, White, Whitlock, Willen, and H. Wood.

HR 27 was adopted.

Report of Committee

The Committee on Rules reported **SR 10** with the expression of opinion that the same should pass.

SR 10, A CONCURRENT RESOLUTION recognizing and honoring Representative Brent Spence for the dedicated, capable and unselfish life he has devoted to the interests of this commonwealth and nation.

WHEREAS, the Honorable Brent Spence began his public career as an attorney at law, and excelled in that profession in the same outstanding manner as he did in all his other undertakings; and

WHEREAS, in his earlier political career he served as State Senator for four years and City Solicitor of Newport for eight years; and

WHEREAS, he was elected to the 72nd Congress from the former Sixth District; re-elected to the 73rd Congress from the state at large; re-elected from the former Fifth District to the 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd, 84th, 85th, 86th, and 87th Congresses; and

WHEREAS, he served more than thirty years in the House of Representatives during the darkest periods of American history, start-

ing with the depression and continuing through the war and readjustment that followed; and

WHEREAS, his great leadership, dedication and ability helped this nation survive these serious threats; and

WHEREAS, on September 27, 1962, the Committee on Banking and Currency honored its distinguished chairman for his contributions to the nation and commonwealth; and

WHEREAS, Brent Spence was elected Chairman of the House Committee on Banking and Currency on December 3, 1943, and served in that capacity for a period of sixteen years; and

WHEREAS, during his chairmanship he played a key role in enacting legislation in the fields of domestic and international finance, housing, community facilities, small business, and emergency economic controls; and

WHEREAS, his leadership on the committee and the legislation he sponsored has had immediate and lasting effects in strengthening the economic and political standing of the United States in the world; and

WHEREAS, he was truly one of the great Americans of this century, with an ability to look forward with new ideas and a willingness always to put the interests of the commonwealth and nation above his own personal interests; and

WHEREAS, he is one of the outstanding members in the history of the American Congress; a man of character and rare accomplishments; a splendid legislator and leader; and

WHEREAS, Kentucky has produced many great men but none greater than Brent Spence; and

WHEREAS, the General Assembly of the Commonwealth of Kentucky now wishes to join the hundreds of individuals and governmental leaders, including the President of the United States, in honoring this great Kentuckian; and

WHEREAS, his recent retirement was a loss to Congress and the nation;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

That the General Assembly of the Commonwealth of Kentucky recognizes the contributions made by Representative Brent Spence to this Commonwealth and the nation, and takes this means of paying tribute to him; and that the clerk of the Senate be directed to transmit a copy of this resolution to the Honorable Brent Spence.

Representative Moloney moved the adoption of **SR 10.** Agreed.

Announcement

The Speaker announced that Representative Ellis had submitted his resignation as a member of the House of Representatives.

Glasgow, Kentucky
February 28, 1963

Honorable Bert Combs
Governor of Kentucky
Frankfort, Kentucky

Dear Governor Combs:

I hereby submit my resignation as a member of the House of Representatives of the General Assembly of Kentucky, representing the 27th district.

The reason I am submitting this resignation is so that I can accept appointment to fill the vacancy in the office of Circuit Judge of the 43rd Judicial District.

Sincerely,
George J. Ellis, Jr.

Judge Morris Montgomery administered the oath of office to George J. Ellis, Jr. for the office of Circuit Judge of the Forty-third Judicial District.

The Speaker vacated the Chair. Representative Fred Morgan presided.

Representative Moloney moved that the Speaker appoint a Committee to wait upon the Governor. Agreed.

The Speaker appointed a Committee to join a similar Committee from the Senate to wait upon the Governor to notify him that the business of the House had been concluded and to inquire if the Governor had further business to communicate, and to issue an invitation to him to address a joint session of the House and Senate if he so desired.

Committee appointed as follows: Representatives Kirtley, Caldwell, A. E. Tucker, L. N. Johnson, and Frymire.

Introduction of Resolution

HR 28, by Representative Moloney: A CONCURRENT RESOLUTION relating to sine die adjournment.

HR 28, A CONCURRENT RESOLUTION relating to sine die adjournment.

Be it resolved by the House of Representatives of the General Assembly; the Senate concurring therein:

That when this Extraordinary Session of the General Assembly, which convened on January 28, 1963, adjourn on February 28, 1963, that it adjourn sine die.

Representative Moloney moved adoption of **HR 28.** Agreed.

Senate Message

Announcing passage of **HR 24.**

The Speaker resumed the Chair.

Report on Enrolled Bills

Committee on Enrollment reported that **SB 4** had been examined and found correctly enrolled. **SB 4** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

SB 4 delivered to the Senate, signed by the President. Ordered delivered to the Governor.

Senate Message

Announcing passage of **HR 28.**

Representative Moloney moved that the Senate and House go into Joint Session. Agreed.

Joint Session

The Speaker vacated the Chair, whereupon the Honorable Wilson Wyatt, Lieutenant Governor and President of the Senate, assumed the Chair and called the Joint Session to order.

Representative Moloney moved that the roll call be dispensed with. Agreed.

The Committee appointed to wait upon the Governor appeared with His Excellency, Bert Combs, Governor of the Commonwealth of Kentucky, who addressed the General Assembly as follows:

February 28, 1963

Lieutenant Governor Wyatt, Mr. Speaker, Members of the General Assembly:

I want to take this opportunity to thank you, the members of the General Assembly, for your cooperation both in this special session and in previous sessions.

I think you have done better than an average job. I do not say this is a perfect bill and if I had been writing it, I probably would have written it a little differently. But I do think it is a fair compromise and constitutes an improvement over the existing situation.

Since this is probably the last time I will have the opportunity as Governor to speak to this Assembly, I want again to thank you and say good luck and God speed.

BERT COMBS
Governor

Governor Combs thereupon signed **HB 3** and **SB 4.**

Representative Moloney moved that the Joint Session of the General Assembly dissolve. Agreed.

The President of the Senate announced he was signing the proceedings of the Senate Journal for the Extraordinary Session.

Senator Ware moved that the Senate adjourn sine die. Agreed.

The Speaker resumed the Chair.

Representative Moloney moved that the Journal for the House of Representatives be read and approved. Agreed.

Representative Moloney moved that the House adjourn sine die. Agreed.

The House adjourned sine die.

Approved:
Harry King Lowman
Speaker

Attest:
Troy B. Sturgill, Chief Clerk
House of Representatives

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HISTORY OF HOUSE BILLS

Numbers refer to page of House Journal. The text of a bill is given on 1st reading. The names of sponsors are in parentheses; when a bill has more than two sponsors only the first is listed in this history, but all sponsors are listed when a bill is introduced.

HB 1 Divides the state into 100 new Representative Districts. (Ballenger and others)
HB 2 Divides the state into 100 new Representative Districts. (Denham and others)
HB 3 Divides the state into 100 new Representative Districts. (Moloney and others)
HB 4 Changes date for holding primary elections. (White and others)
HB 5 Changes date for holding primary elections. (Lankford)
HB 6 Changes date for holding primary elections. (Dempsey)
HB 7 Divides the state into 100 new Representative Districts. (Dempsey)

	Intro-duced	Reported	Readings 1st	2nd	3rd	Senate Message	Enrolled	Other Action
HB 1	19							
HB 2	29							
HB 3	34	40	40	58	71	83	85	58, 59, 60, 70, 71, 103
HB 4	38							85
HB 5	56							
HB 6	56							
HB 7	56							

HISTORY OF HOUSE RESOLUTIONS

Numbers refer to page of House Journal. The text of a resolution is given on 1st reading or adoption. Joint resolutions are designated **HJR**; concurrent resolutions are designated **HCR.**

HR 1 Adopts the rules of the 1962 Regular Session as rules for the 1963 Extraordinary Session. (Moloney)
HR 2 Authorizes appointment of a committee to wait upon the Governor. (Moloney)
HR 3 Adjourns in memory of Thos. P. Fitzpatrick. (Cottengim and others)
HR 4 Invites pastors to open sessions with prayer. (Moloney)
HJR 5 Appropriates funds to the Legislative Research Commission. (Moloney)
HCR 6 Congratulates the Madison Central High School Band. (Dyer and Green)
HCR 7 Congratulates the Crittenden County High School Band. (Dyer and others)
HCR 8 Requests construction of the Devil's Jump Dam. (A. Brown and others)
HR 9 Requests extension of Extraordinary Session authority to reapportion Court of Appeals districts. (Dempsey)
HR 10 Extends sympathy to Representative Ben Martin. (Moloney)
HCR 11 Honors George L. Bagby. (Green and others)
HR 12 Urges retention of the federal data processing center project in Covington. (Cottengim and others)
HCR 13 Limits time for adjournment sine die. (Hill)
HR 14 Urges continued federal support of tobacco research at the University of Kentucky. (Bates)
HR 15 Requests continued operation of United Mine Workers hospitals. (J. D. Smith and others)
HR 16 Expresses opposition to increased federal spending. (Hislope and others)
HR 17 Urges continued state assistance to local tuberculosis hospitals. (Isler and others)
HR 18 Requests utilization of Pike County land for a federal Youth Conservation Corps. (Colley)
HR 19 Requests extension of time for purchasing motor vehicle licenses. (Colley)
HR 20 Requests federal rejection of proposals to relax oil import controls. (J. D. Smith and others)
HR 21 Honors Mrs. W. M. Fields on her 100th birthday. (A. E. Tucker)
HR 22 Urges construction of the Kentucky Institute of Technology at Corbin. (Mills)
HR 23 Honors former Representative Amos Runyon. (Irick)

	Intro-duced	Reported	Readings 1st	Readings 2nd	Readings 3rd	Adopted	Senate Mes-sage	En-rolled	Other Action
HR 1	9					9			
HR 2	10					10			
HR 3	10					10			
HR 4	11					11			
HJR 5	21	21	22	23	24	24	29	30	
HCR 6	23								
HCR 7	23								
HCR 8	25	54				54	59		
HR 9	28					28			
HR 10	27					27			
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HR 12	32					32			
HCR 13	34								
HR 14	35					35			
HR 15	36					37			
HR 16	57								58
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HR 19	75					75			
HR 20	77					77			
HR 21	85					85			
HR 22	93					94			
HR 23	94					95			

HCR 24 Expresses appreciation to the Governor's Commission on Reapportionment. (Moloney)
HR 25 Honors the memory of Representative Thos. P. Fitzpatrick. (Cottengim and others)
HR 26 Urges federal establishment of a Youth Conservation Corps. (Cottengim and Oelsner)
HR 27 Requests retention of the statute of William Goebel in its present location. (Cottengim and others)
HCR 28 Establishes sine die adjournment. (Moloney)

	Introduced	Reported	Readings 1st	Readings 2nd	Readings 3rd	Adopted	Senate Message	Enrolled	Other Action
HCR 24	95					95	102		
HR 25	97					97			
HR 26	97					97			
HR 27	98					98			
HCR 28	101					101	102		

HISTORY OF SENATE BILLS

Numbers refer to page of House Journal. The text of a bill is given on 1st reading.

SB 4 Divides the state into 38 new Senatorial districts.

		Senate Message	Reported	Readings 1st	2nd	3rd	Enrolled	Other Action
SB	4	59,77	79	79	85	87	102	74, 103

HISTORY OF SENATE RESOLUTIONS

Numbers refer to page of House Journal. The text of a resolution is given on 1st reading or adoption. Joint resolutions are designated SJR; concurrent resolutions are designated SCR.

SR 7 Requests the opening of navigable channels in the Cumberland River.

SCR 9 Honors the memory of Vego E. Barnes.

SCR 10 Honors Representative Brent Spence.

	Senate Message	Reported	Readings 1st	2nd	3rd	Adopted	En-rolled	Other Action
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Introduced: HB 1

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Introduced: HB 2; HR 8

Barton, Lon Carter
Introduced: HB 2

Bates, Ralph
Introduced: HR 14

Bleemel, Leo A.
Introduced: HB 3; HR 20

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JOURNAL

of the

HOUSE OF REPRESENTATIVES

of the

GENERAL ASSEMBLY

of the

COMMONWEALTH OF KENTUCKY

Second Extraordinary Session of 1963

Held in the State Capitol in the Capital City of Kentucky, at
Frankfort, in the Year of Our Lord 1963 and
in the One Hundred and Seventy-second
Year of the Commonwealth

Begun on the Seventeenth Day of June, 1963 and
Adjourned Sine Die on the Second Day of
July, 1963

DUNNE PRESS
PRINTERS TO THE COMMONWEALTH OF KENTUCKY
LOUISVILLE, KENTUCKY

Edited and Published

by

The Staff of the

Kentucky Legislative Research Commission

Frankfort, Kentucky

July 15, 1963

FOREWORD

The Constitution requires each house of the General Assembly to keep a Journal of its proceedings. The Journal is intended to assure a public account of legislative activity and constitutes the final official record of action by the General Assembly.

Under the provisions of Sections 6.161 and 6.162 of the *Kentucky Revised Statutes*, the Legislative Research Commission is responsible for comparing, editing, correcting, and publishing the Journals as approved by each house of the General Assembly. This volume represents the fulfillment of that obligation.

The text of a bill is spread in full when it receives a first reading. The roll call on passage of a bill is indicated upon its receipt of a third reading. Simple and concurrent resolutions are printed when adopted and joint resolutions are treated as bills. A table of actions on bills and resolutions is appended.

Mrs. Betty S. Balch prepared the House Journal for the Second Extraordinary Session of 1963. Mr. Courtenay J. Walker, Administrative Assistant to the Director, edited the copy for the Legislative Research Commission and prepared the index to this volume.

CHARLES WHEELER
Director

Frankfort, Kentucky
July 15, 1963

JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
COMMONWEALTH OF KENTUCKY
SECOND EXTRAORDINARY SESSION OF 1963

MONDAY, JUNE 17, 1963
FIRST LEGISLATIVE DAY

At an Extraordinary Session of the General Assembly of the Commonwealth of Kentucky, held at the Capitol in the City of Frankfort, and begun on June 17, 1963, and in the one hundred seventy-second year of the Commonwealth, in compliance with a proclamation issued by the Governor of the Commonwealth, the House of Representatives was called to order by the Honorable Harry King Lowman, Speaker of the House of Representatives.

Prayer by the Reverend John C. Chenault of the First Christian Church of Frankfort.

The roll was called. All present except Representatives Ballenger, Caroll, Farmer, Hensley, Hill, Hinkle, Lesshafft, McCracken, Maddox, Nicholls, and H. Wood.

Representative Mills moved that absent members be granted leave of absence. Agreed.

The Clerk read the following certification:

Commonwealth of Kentucky
Franklin County

I, Henry H. Carter, Secretary of State of the Commonwealth of Kentucky, do hereby certify that, according to the records in the office of the Secretary of State of the Commonwealth of Kentucky, and the best information obtainable, the attached is a true and correct list of the duly elected and qualified members of the General Assembly of the Commonwealth of Kentucky.

Given under my hand and seal of office this 17th day of June, 1963.

HENRY H. CARTER
Secretary of State
Commonwealth of Kentucky

1. Fulton, Hickman. Henry Maddox, Democrat, Hickman.
2. Ballard, Carlisle. Noah J. Geveden, Democrat, Wickliffe.
3. Graves. Lon Carter Barton, Democrat, Mayfield.
4. McCracken. Julian M. Carroll, Democrat, West Paducah.
5. McCracken. Fred Morgan, Democrat, Paducah.
6. Lyon, Marshall. Shelby McCallum, Democrat, Benton.
7. Calloway. Charlie Lassiter, Democrat, Murray.
8. Caldwell, Trigg. Virgil Smith, Democrat, Princeton.
9. Christian. John Morris Dixon, Democrat, Oak Grove.
10. Hopkins. Richard L. Frymire, Democrat, Madisonville.
11. Crittenden, Livingston. George F. Harris, Democrat, Salem.
12. Union. James Holloran, Democrat, Sturgis.
13. McLean, Webster. Milton Ashby, Democrat, Sebree.
14. Henderson. Lewis N. Johnson, Democrat, Henderson.
15. Daviess. Mrs. Louise Gasser Kirtley, Democrat, Owensboro.
16. Daviess. R. E. Hale, Democrat, Owensboro.
17. Muhlenberg. James P. Hahn, Democrat, Greenville.
18. Hancock, Ohio. Wayland Render, Republican, Centertown.
19. Todd. H. A. Hampton, Democrat, Trenton.
20. Logan. Paul E. Young, Democrat, Olmstead.
21. Allen, Simpson. Samuel R. McCracken, Jr., Democrat, Franklin.
22. Warren. A. E. Tucker, Democrat, Bowling Green.
23. Butler, Edmonson. Walter Browning, Republican, Brownsville.
24. Grayson. Damon Majors, Democrat, Caneyville.
25. Hardin. Sam H. Watkins, Democrat, Elizabethtown.
26. Breckinridge, Meade. A. R. Dyer, Democrat, McQuady.
28. Metcalfe, Monroe. Wallace Bartley, Republican, Summer Shade.
29. Adair, Green. Thomas M. Watson, Republican, Knifley.
30. Marion, Taylor. James E. Whitlock, Democrat, Lebanon.
31. Hart, Larue. Jack D. Bunnell, Democrat, Hardyville.
32. Anderson, Nelson. Sam Houtchens, Democrat, Bloomfield.
33. Bullitt, Spencer. Leo A. Bleemel, Democrat, Shepherdsville.
34. Jefferson. James M. Caldwell, Republican, Louisville.
35. Jefferson. Jesse O. Johnson, Republican, Louisville.
36. Jefferson. Bruce E. Blythe, Jr., Republican, Louisville.
37. Jefferson. Louis E. Ballenger, Republican, Louisville.
38. Jefferson. Clarence R. Miller, Democrat, Louisville.
39. Jefferson. John W. Farmer, Democrat, Louisville.
40. Jefferson. F. V. Buky, Republican, Louisville.
41. Jefferson. Frank Wood, Republican, Louisville.
42. Jefferson. Mrs. Amelia M. Tucker, Republican, Louisville.
43. Jefferson. Elmer L. Leister, Republican, Louisville.
44. Jefferson. Jack Lesshafft, Republican, Louisville.
45. Mercer, Washington. Edwin Freeman, Democrat, Harrodsburg.
46. Boyle, Garrard. Howard P. Hunt, Jr., Democrat, Danville.
47. Madison. Willie W. Green, Democrat, Richmond.
48. Jessamine, Woodford. James T. Alexander, Democrat, Versailles.

49. Fayette. J. Y. Brown, Democrat, Lexington.
50. Fayette. R. P. Moloney, Democrat, Lexington.
51. Franklin. Ralph Bates, Democrat, Frankfort.
52. Shelby. Luther F. Morgan, Democrat, Shelbyville.
53. Oldham, Trimble. Harry W. Wood, Democrat, Milton.
54. Boone, Gallatin. Dan J. Roberts, Democrat, Walton.
55. Grant, Owen. Franklin Webster, Democrat, Williamstown.
56. Harrison, Scott. John Swinford, Democrat, Cynthiana.
57. Carroll, Henry. Louis T. Peniston, Democrat, New Castle.
58. Kenton. Russell R. Oelsner, Democrat, Park Hills.
59. Kenton. Vernor O. Cottengim, Democrat, Covington.
60. Kenton. John J. Isler, Democrat, Covington.
61. Kenton. Gus Sheehan, Jr., Democrat, Covington.
62. Campbell. Eugene A. Ostertag, Democrat, Fort Thomas.
63. Campbell. James E. Murphy, Democrat, Newport.
64. Bracken, Pendleton. Eugene B. Hancock, Democrat, Falmouth.
65. Mason. Mitchel B. Denham, M.D., Democrat, Maysville.
66. Fleming, Robertson. Herbert F. Fern, Democrat, Ewing.
67. Bourbon, Nicholas. Brooks Hinkle, Democrat, Paris.
68. Clark. Walker H. Wiseman, Democrat, Winchester.
69. Menifee, Montgomery. Otto Ingram, Democrat, Frenchburg.
70. Bath, Rowan. C. H. Hart, Democrat, Sharpsburg.
71. Lewis. Wayne Secrest, Republican, Vanceburg.
72. Greenup. L. H. Nicholls, Democrat, Greenup.
73. Carter. H. T. Sparks, Democrat, Olive Hill.
74. Knott, Magoffin. Carlos Huff, Democrat, Hindman.
75. Morgan, Wolfe. Carl Lacy, Democrat, Daysboro.
76. Breathitt, Lee. Thomas B. Howard, Democrat, Jackson.
77. Estill, Powell. Luther Patrick, Republican, Irvine.
78. Jackson, Owsley. William Vickers, Republican, Booneville.
79. Rockcastle. Money Ed Cummins, Republican, Mt. Vernon.
80. Lincoln. T. J. Hill, III, Democrat, Stanford.
81. Casey, Russell. Leonard E. Wilson, Republican, Jamestown.
82. Clinton, Cumberland. Claude R. Willen, Republican, Burkesville.
83. McCreary, Wayne. Archie Brown, Republican, Stearns.
84. Pulaski. Leonard Hislope, Republican, Somerset.
85. Whitley. Will K. Peace, Republican, Williamsburg.
86. Laurel. Paul W. Cornett, Republican, Mershons.
87. Knox. Mrs. Frances Jones Mills, Democrat, Gray.
88. Bell. Mason Slusher, Democrat, Beverly.
89. Harlan. Lawrence Lankford, Democrat, Cawood.
90. Harlan. Fielding S. Hensley, Republican, Harlan.
91. Clay, Leslie. John E. White, Republican, Manchester.
92. Letcher. W. R. Jordan, Democrat, Jenkins.
93. Perry. J. D. Smith, Democrat, Dwarf.
94. Pike. T. T. Colley, Democrat, Robinson Creek.
95. Pike. Gether Irick, Democrat, Stone.

96. Floyd. Allen Slone, Democrat, Blue River.
97. Floyd. Ben Martin, Democrat, Drift.
98. Johnson, Martin. Albert Dempsey, Republican, Inez.
99. Elliott, Lawrence. Russell Dobyns, Democrat, Louisa.
100. Boyd. Harry King Lowman, Democrat, Ashland.

Motions, Petitions, and Communications

HR 1, by Representative Moloney: A RESOLUTION adopting rules to govern the Second 1963 Extraordinary Session of the House of Representatives.

HR 1, A RESOLUTION adopting rules to govern the Second 1963 Extraordinary Session of the House of Representatives.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the rules adopted by the House of Representatives for the Regular Session of 1962 be adopted as the rules governing the Extraordinary Session beginning June 17, 1963.

Representative Moloney moved the adoption of **HR 1.** Agreed.

Representative Moloney moved that the Constitutional Officers and employees retain their positions. Agreed.

HR 2, by Representative Moloney: A RESOLUTION authorizing appointment of a committee of the House to wait upon the Senate and the Governor.

HR 2, A RESOLUTION authorizing appointment of a committee of the House to wait upon the Senate and the Governor.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That a committee of this House be appointed by the Speaker to wait upon the Senate and notify that body that this House is now organized and ready to proceed to the transaction of business and that said committee shall, in conjunction with a like committee from the Senate, wait upon the Governor and inform him that the General Assembly is now organized and ready to receive any communications he may desire to deliver.

Representative Moloney moved the adoption of **HR 2.** Agreed.

Pursuant to **HR 2** the following members were appointed by the Speaker: Representatives Harris, Ingram, Amelia Tucker, Slone, and Render.

Representative Moloney moved that **HB 1** remain in the Clerk's Office until all, who desired to do so, might sign it and that they postpone sending it to the printer. Agreed.

The committee appointed to wait upon the Governor reported that the Governor was ready to address a Joint Session of the General Assembly.

The Senate entered upon the floor of the House.

Representative Moloney moved that the Senate and House go into Joint Session. Agreed.

Joint Session

Speaker Harry King Lowman vacated the Chair, whereupon the Honorable Wilson Wyatt, Lieutenant Governor and President of the Senate, assumed the Chair and called the Joint Session to order.

Representative Moloney moved that the roll call be dispensed with. Agreed.

Prayer by Reverend John C. Chenault of the First Christian Church of Frankfort.

The Committee appointed to wait upon the Governor appeared with His Excellency, Bert Combs, Governor of the Commonwealth of Kentucky, who addressed the General Assembly as follows:

LIEUTENANT GOVERNOR WYATT,
MR. PRESIDENT PRO-TEM OF THE SENATE,
MR. SPEAKER OF THE HOUSE,
MEMBERS OF THE GENERAL ASSEMBLY:

It is a significant commentary on our times that you have been called into special session for the fourth time within three and a half years.

I have never believed that the power to convene the General Assembly in extraordinary session should be abused, or that demands should be made on your time and the funds of the Treasury without clear and pressing reason. But I have always believed that when the people elect a man to a four-year term, they are due four years of service, regardless of whether he be a member of the executive department, a member of the legislative or judiciary. The problems that confront Kentucky are too great to afford any Governor the luxury of coasting through the final year of his term, or leaving for his successor tasks that require immediate attention. You, too, have a duty to cope with these problems; and you have done admirably in discharging that obligation. I have called you here today only because the Commonwealth faces a situation too serious to permit delay.

We have reason for some satisfaction with the general state of our Commonwealth. Thanks largely to programs which you have helped to launch, Kentucky is enjoying progress, and is in general sharing in the national prosperity.

We have more people at work than ever before. In most sections of Kentucky, unemployment has ceased to be a major problem. We have conquered some of the more drastic deficiencies in our schools and colleges. New highways are thrusting into all regions of the state at a record pace. Our parks are affording pleasure and recreation to an unprecedented number of Kentuckians. The new lodges and park facilities are filled to capacity at the beginning of the vacation season, and privately-owned tourist accommodations are receiving what appears to be a record flow of out-of-state tourists. Our elderly citizens are better cared for, as are our mentally ill, and our other disabled citizens. And I hope we are about to make a start toward correcting the evident shortcomings of our penal system. State finances are sound. The credit of the Commonwealth was never better. We have cause for confidence in the future.

But one section of Kentucky has not shared this level of prosperity. The eastern part of the state is still a region of persistent depression. The coal market has changed and machines have replaced men in the mines. New industry has failed to make up the slack caused by the decline in the coal industry. The long lines of unemployment looking for work reflect the necessity for more action.

And now this region, blighted by depression, torn by floods and weary with human misery, is threatened with the closing of the hospitals on which almost half of the people depend for medical care.

Most of you are familiar with the events that produced this crisis. In 1954, the United Mine Workers Welfare and Retirement Fund began a chain of ten hospitals—six in Kentucky, three in West Virginia, and one in Virginia—and completed them in 1956 at a cost of more than $27,500,000. These hospitals quickly became a vital part of the health services of a region that has historically suffered a shortage of doctors, dentists, nurses, and hospital beds. They became a special blessing to the miners and pensioners and others to whom they provided needed care.

But because of the decrease in union miners in the coal fields, and an unexpected load of indigent patients, the hospitals began to accumulate operating deficits larger than had originally been anticipated.

On October 12 of last year, officials of the Welfare and Retirement Fund announced that four of its hospitals—those being at Hazard, McDowell, Whitesburg and Middlesboro—would be transferred to the communities in which they were located or closed on July 1 of this year. Since then the hospital at Harlan has been added to the list.

To appreciate what this closing would mean, consider that the four hospitals originally scheduled for closing on July 1 serve an 11-county area having a population of more than 356,000. If we include the Pikeville Hospital then we are talking about an 18-county

region containing more than 600,000 Kentuckians. In the 11-county area, the Miners hospitals contain 40 per cent of all hospital beds and 29 per cent of all physicians, while employing 52 per cent of the region's specialists.

Even with these hospitals, the region offers only 60 per cent of the medical services considered a safe minimum by the Federal Department of Health, Education and Welfare. Without them, the situation would be desperate, for since the coming of the miners hospitals many of the small medical facilities that formerly helped to serve the region have closed.

Following this announcement by the Welfare Fund, I requested the Kentucky Departments of Health and Economic Security and the University of Kentucky Medical Center to study the problem and to report to a public meeting in Harlan on January 10 and 11 of this year. I also asked each of the affected communities to form local committees to explore the possibility of local or regional remedial action. From the meeting at Harlan and from subsequent study, it became very obvious that the communities could not hope to purchase or operate these hospitals. All of these communities were, and are, financially hard pressed. Unemployment in 8 of the 11 counties exceeds 25 per cent. Underemployment is even more severe.

Not only was purchase of the hospitals by these counties out of the question; efforts to persuade the Welfare and Retirement fund to reconsider its decision were unsuccessful. And it was the opinion of our best legal advisers that acquisition or operation by the state would violate the state's Constitution and would be inadvisable for many other reasons.

It was at this point that the National Board of Missions of the United Presbyterian Church offered to help retain the services of the entire chain of hospitals. And I want here and now to make entirely clear the role of the church in this matter, a role that has been widely misinterpreted.

The church has at no time proposed to buy, staff, supervise or operate these hospitals; nor does it propose to do so now. It has offered, in Christian charity toward a needy people, to use its good offices in an effort to find an acceptable, financially feasible way to keep these hospitals open.

A grant of $3,900,000 has been made available by the Area Redevelopment Administration for the acquisition of the five Kentucky hospitals at Hazard, Harlan, McDowell, Whitesburg and Middlesboro —all of these were originally scheduled for closing on July 1. The Church Board of Missions now offers, provided certain conditions are met by the Commonwealth, to assist—may I repeat to assist—in creating a non-sectarian, non-profit, regional hospital authority which would acquire and operate these hospitals. It offers to help organize the

authority and to help the authority to develop a practical, long-range policy, if the State of Ky. will provide support payments to indigent patients sufficient to give reasonable assurance of a financially sound operation.

I believe, and believe firmly, in the traditional concept of the separation of church and State and I know that you believe in that concept. And I can assure you now that the proposal to be submitted to you, to provide assistance for these hospitals, will by no stretch of the imagination infringe upon this concept.

I will not tell you that the legislation which I will propose offers a perfect solution to this complex problem. All of the parties involved have been obliged to pick their way through difficult, unfamiliar territory. We have had no precedents to guide us. We have threaded our way around conflicts of church and state. We have lived for months with legitimate doubts and despair from the communities. We have had to find ways to make aid available without violating the provisions of the Constitution regarding special legislation and also without imposing too great a burden on the State treasury.

All of these obstacles, I am gratified to say, have been in my judgment overcome. I am particularly gratified that the executive committee of the Kentucky Medical Association, dubious at first, it's true, has recently endorsed our proposed plan and our proposed legislation. The leaders of the Catholic church in Kentucky have expressed their approval by telegram received by me today. Many of Kentucky's leading newspapers have endorsed in principle the proposed plan to keep these hospitals open. On behalf of all the people I would like to express my appreciation to these groups who have expressed their concern for the problems and their cooperation. The road is now clear, I think, for the transfer and continued operation of the hospitals as soon as we meet the obligation for which you have been called into session.

I know you share my desire and determination to help relieve this crisis. Kentucky's other problems, although many and serious, are not as urgent as those confronting these counties. We have done, on the state level, as much as limited resources and lack of adequate federal assistance would permit with a series of programs aimed at strengthening the region's economy to the end so that future progress may be soundly based and more easily achieved. We have built highways into the area, and accelerated construction of rural roads and small bridges. We have built three new state parks and expanded existing ones in an effort to enrich the quality of living and to offer an initial stimulus to a tourist industry. We have launched an arts and crafts program that has created hundreds of jobs and brought badly needed incomes to the region. We have, in co-operation with broadened federal programs, increased medical assistance and welfare payments, built clinics and extended eligibility periods for medical care of

indigent patients. We have made an unprecedented effort to control forest fires and to replant cut-over hillsides, so as to check floods and create future tree crops. Most important of all, we have undertaken a vast program of elevating education especially needed in the mountains, improving transportation, building consolidated schools, increasing libraries and bookmobiles, expanding vocational training and raising teachers pay. These efforts are designed to give the coming generation a better chance to help themselves and their region.

Yet we know and I would be the first to know that we have not yet solved the economic problems of this region. Certainly we cannot be accused of extravagance, and the sum called for in the plan to save the hospitals is small indeed when viewed in the context of what it will do.

The bill which you will be asked to consider may not be the best or only solution to this problem. But it is the only workable solution that we have found after months of work and study and consultations with every one we could find in this field—on the state, county, regional and national level. Briefly, it does two things. First, it permits establishment of a non-sectarian, non-profit, regional hospital authority, and sets out the legal definition, composition, function, powers and limitations of the authority. Second, it appropriates funds for medical support payments to indigent patients served by such an authority.

This we think will satisfy the minimum requirements of all parties involved, as well as the State Constitution. As you know, the Constitution forbids state funds to special non-public institutions. In order to satisfy this provision, the same support must be made available to any and all such hospital authorities that qualify according to the definition and judgment of the State Department of Health. It is possible, though not anticipated, that future development of similar authorities might pose demands on the state treasury that would alter the nature of the problem and require subsequent review by this body.

For the immediate future, however, only this regional authority meets the requirements set forth in the bill. It is partially for this reason that the effect of the bill is limited to the fiscal year 1963-64. And it is my hope that the knowledge gained in this year of experience with the program will enable the next regular session of the General Assembly to appraise carefully the legislation enacted at this session.

I have tried to be completely frank with you concerning all phases of this problem and our efforts to meet it. As many of you know, in recent years, there has been considerable opposition among private physicians to certain aspects of the operation and management of these hospitals. For this reason, some doctors were reluctant at first to lend their support. Physicians have been and are rightly concerned

I think, that the hospitals be available to all qualified practitioners in the area, that patients have free choice of physician, and that provision of office space in the hospitals not create a competitive advantage for some physicians over others.

The proposed plan will contain the structure for working out the various concerns and complicated details that must be resolved. This structure will embrace a non-governmental regional authority coordinating the operation of the hospitals, full community representation on the board of each hospital, and by-laws and articles of incorporation based on the model developed by the American Hospital Association for non-profit community hospitals. Few people I think, would feel that you should attempt to legislate these matters. Most persons will agree, I believe that leaving these matters to be worked out outside of government is the soundest approach and the one most conducive to satisfactory and successful operation of these hospitals in the future.

It is the belief of the State Medical Association, as it is ours, that the complex problems involved in hospital operation can be worked out best without legislative intervention. They recognize, as we do, that such intervention by the State would be unwise and would establish undesirable precedents.

Some may say that this bill is a short-range remedy rather than a long-range cure. I admit this. But the newness of the area in which we are operating, the limited time given us to act, and a cautious and proper regard for the State's fiscal security affords in my judgment no other responsible course.

What we are attempting to do is not to revive a region but to prevent its collapse, and it is my judgment that the economy of the region would collapse if these hospitals are closed. We are in effect buying time, hoping to keep the people and the economy and even the hope of this region alive until more permanent correctives can be undertaken. The willingness of the A. R. A. to make a grant for this purpose represents, I believe, a significant breakthrough in federal attitude. Several proposals presently before Congress indicate a growing awareness I believe of our problems in this region. An emissary of President Kennedy is coming to Kentucky on June 20 to study the needs of this region at first hand. And there is reason to hope that the federal government will soon begin the massive programs of land and water control, reforestation, community development, education and retraining of the jobless, as well as highway and dam construction that will enable this region to escape the dispiriting economic rut into which it has fallen.

I have faith that you will take up this task promptly and in your best conscience, aware of the critical need for efficient and intelligent action. It has been said that the test of a people's greatness is their

willingness to help their unfortunate neighbors in times of distress. May I say one final word. I hope that neither party nor any candidate will attempt to make political capital of what we do here, or try to convert the misfortune of this region into a political issue and I would like to say also that I have every reason to believe this will not happen. I hope too that any other matters which might be submitted to this assembly will be considered on a non-partisan basis.

In preparing for this session, I have had the support and co-operation of the leaders among you of both parties, and I am confident that this bi-partisan support will continue. They have agreed with me, as I hope you will, that this is not a Democratic problem; it is not a Republican problem. It is a Kentucky problem, to be solved by Kentuckians for the sake of Kentuckians and for no other reason.

Before action on this proposal is concluded, I intend to amend the original call to include a request that will make it possible for you to consider ratification of the amendment to the federal constitution eliminating payment of a poll tax as a requirement for voting. As you know, 35 states have already ratified this amendment, and 38 are needed to complete ratification. It is only fitting and proper I think, that this assembly, with its outstanding record in the field of civil rights and progressive legislation should help make this important constitutional change a reality.

It is possible too that the call will be further amended in order to enable you to consider certain other important and pressing matters.

In conclusion, may I thank you for your intelligent and unselfish cooperation during the last three years. I consider myself a very fortunate man in having had the opportunity to work with you in our joint efforts to build a progressive and modern Kentucky.

Representative Moloney moved the Joint Session be dissolved. Agreed.

Speaker Harry King Lowman resumed the Chair and called the House to Order.

Motions, Petitions and Communications

HR 3, by Representative Moloney: A RESOLUTION extending an invitation to the pastors of Frankfort churches to open sessions of the House of Representatives with prayer.

HR 3, A RESOLUTION extending an invitation to the pastors of Frankfort churches to open sessions of the House of Representatives with prayer.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the Sergeant at Arms be directed to invite the pastors of the various churches to attend the meetings of this House and open the sessions thereof with prayer.

Representative Moloney moved the adoption of **HR 3.** Agreed.

Introductions

HR 4, by Representative Moloney: A JOINT RESOLUTION making an appropriation to the Legislative Research Commission for expenses incurred in connection with the Second Extraordinary Session of 1963 of the General Assembly, and declaring an emergency.

HB 1, by Representatives Moloney, Jordan, V. Smith, L. Johnson, Lankford, Huff, J. D. Smith, Miller, Dobyns, Irick, Slusher, Houtchens, Ashby, Dempsey and Martin: AN ACT relating to health and welfare, declaring an emergency, and making an appropriation for medically indigent patient care.

Recess

Representative Moloney moved that the House recess for fifteen minutes for a Rules Committee meeting. Agreed.

Speaker Harry King Lowman resumed the Chair and called the House to order.

Representative Moloney moved that the Rules be suspended for Committee Reports. Agreed.

Report of Committee

Committee on Rules reported **HR 4** with the expression of opinion that same should pass. Read at length for the first time and ordered placed in the Calendar.

HR 4, A JOINT RESOLUTION making an appropriation to the Legislative Research Commission for expenses incurred in connection with the Second Extraordinary Session of 1963 of the General Assembly, and declaring an emergency.

WHEREAS, additional personnel are necessary to properly expedite the business of the Senate and the House of Representatives; and

WHEREAS, the present appropriation of the Legislative Research Commission is insufficient to provide adequate service to the General Assembly;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That there be appropriated out of the General Expenditure Fund, to the Legislative Sessions Fund, for the payment of salaries and other expenses of the Second Extraordinary Session of 1963 of the General Assembly, the sum of nine thousand dollars per calendar day during the Second Extraordinary Session of 1963.

Section 2. That there be appropriated out of the General Expenditure Fund, to the Legislative Research Commission, for the purpose of providing additional services to the General Assembly during the Second Extraordinary Session of 1963 of the General Assembly, the sum of one thousand seven hundred and fifty dollars per calendar day during the Second Extraordinary Session of 1963.

Section 3. The appropriations made in Sections 1 and 2 of this resolution shall be available for expenditure during the 1962-1963 fiscal year.

Section 4. Whereas, the General Assembly is now in session and it is necessary that funds be available immediately, an emergency is declared to exist and this resolution shall become effective upon its passage and approval by the Governor, and shall be retroactive to include payment of compensation to such personnel from and including June 17, 1963.

Committee on Rules reported **HB 1** with the expression of opinion that same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 1, AN ACT relating to health and welfare, declaring an emergency, and making an appropriation for medically indigent patient care.

WHEREAS, certain areas of Kentucky will soon be without adequate hospital facilities due to the announced intention to close certain existing facilities; and

WHEREAS, such areas of Kentucky have been repeatedly ravished by floods and are economically depressed, thereby creating greater and unusual hazards to the health and welfare of the people; and

WHEREAS, our greatest resource is our people and their health must be safeguarded and protected by insuring that adequate hospital facilities will remain available;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 205.510 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 205.510 to 205.610, *in this Act and in* 205.991 and 211.106, unless the context clearly requires a different meaning:

(1) "Council" means the Advisory Council for Medical Assistance;

(2) "Dentist" means a person authorized to practice dentistry under laws of the Commonwealth;

(3) "Federal-state medical care fund" means a trust and agency fund established, maintained, and operated by the Department of Economic Security as an arrangement to meet the cost of medical care for public assistance recipients and recipients of medical assistance for the aged and into which payments are made in behalf of each public assistance recipient and recipient of medical assistance for the aged covered by the fund. Such fund shall be irrevocable and shall not revert to the General Fund notwithstanding any provisions of the Budget Act of 1960 to the contrary;

(4) "Medical care" as used in this article means essential medical, surgical, dental, and nursing services, in the home, office, clinic, or other suitable place, which are provided or prescribed by physicians or dentists licensed to render such service, including drugs and medical supplies, appliances, laboratory, diagnostic and therapeutic services, nursing home and convalescent care, hospital care as defined in KRS 205.560 (1) (a), and such other essential medical services and supplies as may be prescribed by such persons;

(5) "Nurses" means persons authorized to practice professional nursing under the laws of the Commonwealth;

(6) "Nursing Home" means a facility which provides routine medical care in which physicians regularly visit patients, which provide nursing services and procedures employed in caring for the sick which require training, judgment, technical knowledge, and skills beyond that which the untrained person possesses, and which maintains complete records on patient care, and which is licensed pursuant to the provisions of KRS 216.400;

(7) "Pharmacist" means a person authorized to practice pharmacy under the laws of the Commonwealth;

(8) "Physician" means a person authorized to practice medicine or osteopathy under the laws of the Commonwealth;

(9) "Public Assistance Recipient" means a person who has been certified by the Division of Public Assistance of the Department of Economic Security as being eligible for, and a recipient of, public assistance under the provisions of KRS 205.010 to 205.340 or a needy person who is living with and essential to such recipient and is recognized in the determination of budgetary requirements for such payment;

(10) "Recipient of Medical Assistance for the Aged" means an

aged person sixty-five years of age and over and one who resides in this state (within the meaning of regulations issued by the Commissioner of Economic Security in conformity with federal requirements), and who is unable through his own income and resources to provide himself with essential medical care without depriving himself of necessary food, shelter, clothing, or the other necessities of life and who does not fall within the definition of "Public Assistance Recipient" as defined in subsection (9) of this section and who has been certified by the Division of Public Assistance of the Department of Economic Security as meeting the requirements of need;

(11) *"Medically Indigent Patient" means any person domiciled in this state treated in a nonprofit regional hospital and who is in need of hospital care but who is unable through his own resources or through resources available to him to pay the hospitalization costs because of his economic condition and personal responsibilities and who is not eligible for, nor a recipient of medical care, under the definition of "Public Assistance Recipient" or "Recipient of Medical Assistance for the Aged," as set forth in subsections (9) and (10) of this section;*

(12) *"Nonprofit regional hospital corporation" means a nonprofit hospital corporation organized under and pursuant to the provisions of this Act and in accordance with the method and manner prescribed by KRS Chapter 273 for the organization of nonprofit corporations for religious, charitable or educational purposes;*

(13) [11] "Vendor Payment" means a payment for medical care which is paid by the Department of Economic Security directly to the authorized person or institution which rendered medical care to a public assistance recipient or medical care to a recipient of medical assistance to the aged [.], *or a payment for hospital care made by the Department to a nonprofit regional hospital corporation on behalf of a medically indigent patient as defined in subsection (11) of this section.*

Section 2. A new section of Chapter 205 of the Kentucky Revised Statutes is created to read as follows:

(1) A nonprofit regional hospital corporation may be organized under the provisions of this Act and in accordance with the method and manner prescribed by KRS Chapter 273 for the organization of nonprofit corporations for religious, charitable or educational purposes.

(2) The articles of incorporation of every nonprofit regional hospital corporation shall be presented to the State Board of Health for approval subject to investigation as provided in Section 3 of this Act. The approval of the State Board of Health is a condition precedent for any such articles of incorporation to be filed in the office of the Secretary of State or recorded in a County Clerk's office.

Section 3. A new section of Chapter 205 of the Kentucky Revised Statutes is created to read as follows:

(1) The State Board of Health shall prescribe by regulation necessary standards to be met by nonprofit regional hospital corporations for approval of proposed articles of incorporation and shall make investigations of the proposed nonprofit regional hospital corporation to determine whether such standards have been met and articles of incorporation may be approved. The State Board of Health shall take into consideration the effect the proposed nonprofit regional hospital corporation may have upon hospital service and public health within the territory sought to be served by it, the public need for the service the corporation proposes to render, the ability of the corporation to provide and maintain hospital facilities and to efficiently perform the service for which approval is requested, the population and economic and geographic conditions of the area in which the corporation intends to operate and such other factors as the State Board of Health deems relevant, including but not limited to budgetary limitations.

Section 4. A new section of Chapter 205 of the Kentucky Revised Statutes is created to read as follows:

Every nonprofit regional hospital corporation organized pursuant to the provisions of this Act shall be entitled to receive for each medically indigent patient treated and cared for in the hospital such hospital care benefits as may be determined by regulation. The amount of such hospital care benefits and the manner in which such benefits will be paid shall be determined by regulations prescribed by the Commissioner of Economic Security. The Advisory Council on Medical Care shall, from time to time, make recommendations to the Commissioner of Economic Security.

Section 5. Section 205.570 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Economic Security shall retain all responsibility relating to the certification of eligibility of all recipients, *including Public Assistance Recipients, recipients of Medical Assistance for the Aged and Medically Indigent Patients,* fiscal matters, and general responsibility for the administration of KRS 205.510 to 205.610, 205.991 and 211.106, but shall contract with the Department of Health for the purpose of carrying out the medical care aspects of the program, which aspects shall include but not be limited to the operation functions of certifying the need of recipients for medical care, issuing authorizations for provision of medical care, certifying the provision of medical care in accordance with authorizations issued and in accordance with quantity and quality standards as established, developing and maintaining a manual of policies and procedures for the operation of the medical care aspects of the program, developing bases of payment for medical care, and certifying vendor billings for compliance with bases of payment as established pursuant to KRS 205.510 to 205.610, 205.991 and 211.106.

(2) The Commissioner of Economic Security shall have the authority to issue such regulations as may be necessary and proper *to carry out the provisions of this Act and* to comply with the requirements of Public Law 86-778, known as the "Social Security Amendments of 1960," and any amendment made thereto subsequent to 1960.

Section 6. A new section of Chapter 205 of the Kentucky Revised Statutes is created to read as follows:

There is hereby created a fund to be known as the Hospital Care Fund for the purposes of paying for hospital care on behalf of medically indigent patients as defined in KRS 205.510 (11). All money appropriated by this State, all money received from the United States or any agency thereof and all money received from any other source for the purpose of paying for hospital care on behalf of medically indigent patients, as defined herein, are hereby appropriated and shall be available only for vendor payments for hospital care for medically indigent patients.

Section 7. A new section of Chapter 205 of Kentucky Revised Statutes is created to read as follows:

Fiscal Courts and city legislative bodies are hereby authorized to contract with any nonprofit regional hospital corporation organized pursuant to this Act for the care and treatment of the residents of such county or city who are medically indigent patients who are in need of hospital care. Payments made pursuant to this section by fiscal courts and incorporated cities shall be deemed to be essential governmental expenditures.

Section 8. (1) To carry out the purposes of this Act, there is hereby appropriated out of the General Expenditure Fund in the State Treasury the sum of Seven Hundred Thousand Dollars ($700,000) for the 1963-64 fiscal year.

(2) Notwithstanding the provisions of the 1962 appropriations Act all general fund appropriations made under Part One, III-29 A and B shall be regarded as having been made to a single budget unit, the Department of Economic Security. Any unencumbered balance of such appropriations remaining at the end of the first fiscal year of the biennium shall not lapse.

Section 9. Whereas there is a great shortage of hospital facilities available in certain areas of Kentucky, an emergency is declared to exist, and this Act shall become effective immediately upon its passage and approval by the Governor.

Representative Moloney moved that a Committee be appointed by the Speaker composed of officials of the Majority and Minority Parties to conduct Public Hearings on **HB 1.** Agreed.

Announcements

Representative Moloney moved that when the House adjourn, it do so until 10:00 a.m., Tuesday, June 18, 1963. Agreed.

Representative Moloney announced that a Public Hearing will be conducted on **HB 1** at 11:00 a.m., June 18, 1963.

Representative Moloney moved that the House adjourn until 10:00 a.m., June 18, 1963. Agreed.

TUESDAY, JUNE 18, 1963

SECOND LEGISLATIVE DAY

The House was called to order by Speaker Harry King Lowman.

Prayer by The Reverend Herman M. Bowers of the First Baptist Church, Frankfort.

The roll was called. All present except Representatives Ballenger, Browning, Cottengim, Farmer, Freeman, Harris, Hart, Hill, Ingram, Lesshafft, Moloney, Nicholls, Ostertag, White, H. Wood and Young.

Representative Mills moved that absent members be granted leave of absence. Agreed.

Representative Isler moved that the reading of the Journal of Monday, June 17, 1963, be dispensed with and the same be approved. Agreed.

Motions, Petitions and Communications

The following communication from Representative Moloney was read by the Clerk:

June 17, 1963

I, Richard P. Moloney, Majority Floor Leader of the House of Representatives, Commonwealth of Kentucky, will be absent from the General Assembly on June 18, 1963, and in my absence, I hereby appoint James P. Hahn to serve as acting Majority Floor Leader.

s/Richard P. Moloney
Majority Floor Leader
House of Representatives
Commonwealth of Kentucky

HR 5, by Representative Lankford: A RESOLUTION urging appropriate action to insure the operation of the Miners' Memorial Hospitals by the national board of missions of the United Presbyterian Church.

HR 5, A RESOLUTION urging appropriate action to insure the operation of the Miners' Memorial Hospitals by the national board of missions of the United Presbyterian Church.

WHEREAS, the Miners' Memorial Hospitals have served the people of the Cawood, Crummies, Cranks and Smith areas; and

WHEREAS, the people of the respective areas are in dire need of the services of the Miners' Memorial Hospitals; and

WHEREAS, not less than fifty-seven families of the respective areas have shown a sincere effort to help to continue the operation of

the hospitals by promoting a project to raise money for their operation; and

WHEREAS, this comparatively small number of families has raised almost two hundred dollars, which has been placed in a bank for the promotion of the operation of the hospitals by the Presbyterian Church; and

WHEREAS, the Presbyterian Church has evidenced its desire to operate the hospitals;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives of the General Assembly of the Commonwealth of Kentucky endorse and recommend appropriate action to insure the operation of the Miners' Memorial Hospitals by the Presbyterian Church.

Section 2. That the Clerk of the House of Representatives be directed to mail a copy of this resolution to Dr. Kenneth G. Neigh of New York, general secretary of the national board of missions of the United Presbyterian Church.

Representative Lankford moved the adoption of **HR 5.** Agreed.

Calendar

HB 1 taken from the Calendar and ordered read at length for the second time. Representative Hahn moved that it be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

HR 4 taken from the Calendar and ordered read at length for the second time. Representative Hahn moved that it be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Representative Hahn moved that the House adjourn until 10:00 a.m., Wednesday, June 19, 1963. Agreed.

WEDNESDAY, JUNE 19, 1963

THIRD LEGISLATIVE DAY

The House was called to order by Speaker Harry King Lowman.

Prayer by the Reverend John C. Chenault of the First Christian Church, Frankfort.

The roll was called. All present except Representatives Ballenger, J. Y. Brown, Browning, Denham, Freeman, Hahn, Hampton, Hancock, Harris, Hart, Hill, Ingram, Lesshafft, McCallum, McCracken, F. Morgan, Nicholls, Sheehan, Watkins and Young.

Motions, Petitions and Communications

Representative Mills moved that absent members be granted leave of absence. Agreed.

Representative Isler moved that the reading of the Journal of Tuesday, June 18, 1963, be dispensed with and the same be approved. Agreed.

The Clerk read the following Proclamation from the Governor:

PROCLAMATION

TO THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF KENTUCKY AND TO ALL TO WHOM THESE PRESENTS SHALL COME:

PURSUANT to the power vested in me by Section 80 of the Constitution of Kentucky to convene the General Assembly into Extraordinary Session, I, Bert Combs, Governor of Kentucky, do issue this, my proclamation amending the proclamation of June 14, 1963, calling the General Assembly of Kentucky into Extraordinary Session at the Seat of Government at Frankfort, Kentucky, for the purpose of considering the subject heretofore set forth in said proclamation and for the sole additional purpose of considering the following subjects:

1. Whether to ratify Senate Joint Resolution 29, 87th Congress, Second Session, proposing an amendment to the Constitution of the United States relating to the qualifications of electors and providing that the right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or Senator or Representative in Congress, shall not be denied or abridged by the United States or any state by reason of failure to pay any poll tax or other tax.

2. Whether to enact legislation enabling the University of Kentucky and State Colleges, with the concurrence and approval

of the Department of Finance, to obtain needed facilities by conveyance and lease-back arrangements with sources of private capital; and providing for disposition of any income received therefrom.

3. Whether to amend Section 175.600 of the Kentucky Revised Statutes to provide a method for refunding bonds of the Turnpike Authority of Kentucky in advance of their maturities.

4. Whether to enact legislation relating to probation and parole and the organization and function of the Department of Corrections.

Members of the General Assembly assembled in Extraordinary Session at the Seat of Government at Frankfort, Kentucky, on the day and hour before written, will, therefore, consider the subjects herein mentioned and the subject mentioned in the proclamation of June 14, 1963, and only said subjects and only to the extent herein mentioned in this proclamation and in the aforesaid proclamation of June 14, 1963.

Bert Combs
Governor

Henry H. Carter
Secretary of State

Recess

Representative Moloney moved that the House recess for five minutes for a meeting of the Rules Committee. Agreed.

Speaker Harry King Lowman resumed the Chair and called the House to order.

Representative Moloney moved that the Rules be suspended for a report of the Rules Committee. Agreed.

Orders of the Day

HR 4 taken from Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Representative Moloney moved that it be read by title only. Agreed by a majority of members elected.

Representative Moloney moved the Previous Question on **HR 4.** Agreed.

On the roll call, the vote was yeas 69—Alexander, Ashby, Bartley, Barton, Bates, Bleemel, Archie Brown, Buky, Caldwell, Carroll, Colley, Cornett, Cottengim, Cummins, Dixon, Dobyns, Farmer, Fern, Frymire, Geveden, Hahn, Hale, Hensley, Hinkle, Hislope, Houtchens, Howard, Huff, Hunt, Ingram, Irick, Isler, Jesse O. Johnson, Lewis N. Johnson, Jordan, Kirtley, Lacy, Lankford, Lassiter, Maddox, Majors, Martin,

Miller, Mills, Moloney, Luther F. Morgan, Murphy, Oelsner, Ostertag, Peace, Peniston, Render, Roberts, Secrest, Sheehan, Slone, Slusher, J. D. Smith, Virgil Smith, Swinford, A. E. Tucker, Amelia M. Tucker, Vickers, Webster, White, Willen, Wiseman, Frank Wood, Harry W. Wood. Nays 0.

HR 4 was passed and the title agreed to.

Representative Moloney moved that the vote by which **HR 4** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Moloney moved that the House adjourn until 8:00 p.m., Monday, June 24, 1963. Agreed.

MONDAY, JUNE 24, 1963

SEVENTH LEGISLATIVE DAY

The House was called to order by Speaker Harry King Lowman.

Prayer by the Reverend Herman M. Bowers of the First Baptist Church, Frankfort.

The roll was called. All present except Representatives Ballenger, Carroll, Dixon, Frymire, Hahn, Lesshafft, Sheehan, White, and H. Wood.

Representative Mills moved that absent members be granted leave of absence. Agreed.

Representative Isler moved that the reading of the Journal of Wednesday, June 19, 1963, be dispensed with and the same be approved. Agreed.

Representative Moloney moved that **HB 1** be taken up for action on this date. The motion was rejected by a standing vote.

Recess

Representative Moloney moved that the House recess for five minutes for a Rules Committee Meeting. Agreed.

At the appointed hour, Speaker Harry King Lowman resumed the Chair and called the House to order.

Report of Committee

Committee on Rules reported **HB 1** in Orders of the Day and ordered that **HB 1** be posted.

Motions, Petitions, and Communications

HR 6, by Representatives Irick and L. Morgan: A RESOLUTION adjourning in memory of James L. Patton.

HR 6, A RESOLUTION adjourning in memory of James L. Patton.

WHEREAS, this body has been apprised of the death of James L. Patton on June 23, 1963; and

WHEREAS, James L. Patton has distinguished himself in the field of education while serving as principal of Salyersville High School, director of Mayo State Vocational School in Paintsville, director of the Bureau of Vocational Education, and Assistant Superintendent in charge of instruction with the Kentucky Department of Education; and

WHEREAS, the devotion and sense of responsibility in the field of education shown by James L. Patton has greatly benefited this

Commonwealth and the countless persons with whom he came in contact; and

WHEREAS, James L. Patton has endeared himself to his associates within the Kentucky Department of Education by his understanding and cooperation in all their endeavors;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That when this body adjourns on Monday, June 24, it does so in memory of James L. Patton; recognizing that his death is a loss to the Commonwealth of Kentucky and its citizens.

Section 2. That the Clerk of the House of Representatives be directed to send a copy of this resolution to Mrs. Floy Deane Russell Patton, wife of James L. Patton, Wendell P. Butler, Superintendent of Public Instruction, the Director of Mayo State Vocational School, Paintsville, President of the Kentucky Education Association, President of the Eastern Kentucky Education Association, and the County School Superintendent of Magoffin County.

Representative Irick moved the adoption of **HR 6.** Agreed.

Announcements

Representative Render announced that there would be a Minority Party Caucus immediately after adjournment.

Speaker Harry King Lowman announced that the House would be at ease awaiting message from the Senate.

Senate Message

Announcing passage of **SR 3** and **HR 4** with amendment.

Representative Moloney moved that the House concur in the Senate amendment to **HR 4.** Agreed.

Amend printed copy of House Resolution 4 on page 2, line 12, by: deleting line 12 and inserting in lieu thereof the following: "1963 fiscal year and 1963-1964 fiscal year."

Representative Moloney moved that the House now adopt **HR 4** as amended.

On the roll call, the vote was yeas 80—Alexander, Ashby, Bartley, Barton, Bates, Bleemel, Archie Brown, John Young Brown, Browning, Buky, Caldwell, Cornett, Cummins, Dempsey, Denham, Dobyns, Dyer, Farmer, Fern, Geveden, Green, Hahn, Hale, Hampton, Hancock, Harris, Hart, Hensley, Hill, Hinkle, Hislope, Holloran, Houtchens,

Huff, Hunt, Ingram, Irick, Isler, Jesse O. Johnson, Lewis N. Johnson, Jordan, Kirtley, Lacy, Lassiter, Leister, McCallum, McCracken, Maddox, Majors, Martin, Miller, Mills, Moloney, Fred Morgan, Luther F. Morgan, Murphy, Nicholls, Oelsner, Ostertag, Patrick, Peace, Peniston, Render, Secrest, Sheehan, Slone, Slusher, J. D. Smith, Sparks, Swinford, A. E. Tucker, Amelia M. Tucker, Vickers, Watkins, Watson, Webster, Whitlock, Willen, Wilson, Frank Wood. Nays 0.

HR 4 was passed as amended.

Senate Message

Announcing passage of **SR 4.**

Recess

Speaker Harry King Lowman announced that the House be in recess for ten minutes for the purpose of a Rules Committee Meeting.

At the appointed hour, Speaker Harry King Lowman resumed the Chair and called the House to order.

Report of Committee

Committee on Rules reported **SR 4** with the expression of opinion that same should pass. Read at length for the first time and ordered placed in the Calendar.

SR 4, A JOINT RESOLUTION ratifying a proposed amendment to the Constitution of the United States.

WHEREAS, Senate Joint Resolution 29 of the Eighty-Seventh Congress (Second Session) proposes an amendment to the Constitution of the United States; and

WHEREAS, the amendment so proposed shall be valid to all intents and purposes as part of the Constitution of the United States if ratified by the legislatures of three-fourths of the several states within seven years from the date of its submission by the Congress; and

WHEREAS, the purpose of the proposed amendment is in keeping with the desires of the people of this Commonwealth to promote and protect the free exercise of the ballot by all citizens of the United States;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The amendment to the Constitution of the United States proposed by Senate Joint Resolution 29 of the Eighty-Seventh Congress (Second Session), reading substantially as follows, hereby is ratified:

"Article—

"**Section 1.** The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

"**Section 2.** The Congress shall have power to enforce this article by appropriate legislation."

Section 2. The Governor of the Commonwealth shall cause certified copies of this resolution to be sent to the Administrator of General Services of the United States, to the Secretary of State of the United States, to the presiding officer of the United States Senate, and to the Speaker of the House of Representatives of the United States.

Report on Enrolled Bills

Committee on Enrollment reported that **HR 4** had been examined and found correctly enrolled. **HR 4** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

HR 4 delivered, signed by President. Ordered delivered to the Governor.

Representative Moloney moved that the House adjourn until 10:00 a.m., Tuesday, June 25, 1963. Agreed.

TUESDAY, JUNE 25, 1963

EIGHTH LEGISLATIVE DAY

The House was called to order by Speaker Harry King Lowman.

Prayer by Dr. Charles N. King of the Corinthian Baptist Church, Frankfort.

The roll was called. All present except Representatives Ballenger, Green, Lesshafft, Whitlock, Wilson, and H. Wood.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Isler moved that the reading of the Journal of Monday, June 24, 1963, be dispensed with and the same be approved. Agreed.

Motions, Petitions and Communications

Representative Moloney moved that the Rules be suspended in order to advance to the Orders of the Day. Agreed.

Orders of the Day

HB 1 was taken from Orders of the Day and ordered read at length for the third time. Representative Moloney moved that it be read by title only. Agreed by a majority of members elected.

Representative Moloney moved the Previous Question on **HB 1.**

On the roll call, the vote was yeas 42—Ashby, Bartley, Barton, Bates, Bleemel, John Young Brown, Buky, Caldwell, Colley, Denham, Farmer, Fern, Geveden, Hahn, Hancock, Hart, Hill, Hinkle, Houtchens, Huff, Irick, Lewis N. Johnson, Jordan, Lassiter, McCallum, Martin, Moloney, Luther F. Morgan, Nicholls, Peniston, Render, Roberts, Slone, J. D. Smith, Virgil Smith, Sparks, Swinford, Webster, White, Willen, Wiseman, Frank Wood. Nays 26—Alexander, Blythe, Browning, Carroll, Dempsey, Dobyns, Freeman, Frymire, Hale, Harris, Hislope, Holloran, Hunt, Ingram, Isler, Oz Johnson, Kirtley, McCracken, Murphy, Oelsner, Ostertag, Patrick, Peace, Secrest, Sheehan, A. E. Tucker.

The motion to adopt the previous question on **HB 1** was adopted.

Representative Moloney moved that debate be unlimited on **HB 1.** Agreed.

Representative Moloney moved that **HB 1** be placed upon its passage.

On the roll call, the vote was yeas 89—Alexander, Ashby, Bartley, Barton, Bates, Bleemel, Blythe, Archie Brown, John Young Brown, Buky, Bunnell, Caldwell, Carroll, Colley, Cornett, Cottengim, Cummins, Dempsey, Denham, Dixon, Dobyns, Dyer, Farmer, Fern, Freeman, Geveden, Green, Hahn, Hale, Hampton, Hancock, Harris, Hart, Hensley, Hill, Hinkle, Hislope, Holloran, Houtchens, Huff, Ingram, Irick, Isler, Jesse O. Johnson, Lewis N. Johnson, Jordan, Kirtley, Lacy, Lankford, Lassiter, Leister, Lowman, McCallum, McCracken, Maddox, Majors, Martin, Miller, Mills, Moloney, Fred Morgan, Luther F. Morgan, Murphy, Nicholls, Oelsner, Ostertag, Patrick, Peace, Peniston, Render, Roberts, Secrest, Sheehan, Slone, Slusher, J. D. Smith, Virgil Smith, Sparks, Swinford, Amelia M. Tucker, Vickers, Watkins, Watson, Webster, White, Willen, Wiseman, Frank Wood, Young. Nays 2—Browning, A. E. Tucker.

HB 1 was passed and the title agreed to.

Representative Moloney moved that the vote by which **HB 1** was passed be reconsidered and said motion be laid on the table. Agreed.

Motions, Petitions and Communications

HR 7, by Representative Blythe: A RESOLUTION honoring the National Convention of the United States Junior Chamber of Commerce.

HR 7, A RESOLUTION honoring the National Convention of the United States Junior Chamber of Commerce.

WHEREAS, the United States Junior Chamber of Commerce has selected the City of Louisville as the site of its 1963 Annual Convention; and

WHEREAS, approximately 10,000 delegates are expected to attend the week-long convention which opened today; and

WHEREAS, it is fitting that this House recognize the honor which has been bestowed upon the City of Louisville and the entire Commonwealth of Kentucky in having the opportunity to be hosts for the deliberations of this esteemed group;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That as a gesture of welcome to the United States Junior Chamber of Commerce, this House hereby designates the week of June 24 to 29, 1963, as Jaycee Hospitality Week.

Section 2. That the Clerk of the House of Representatives be directed to send a copy of this Resolution to the presiding officer of

the 1963 National Convention of the United States Junior Chamber of Commerce.

Representative Blythe moved the adoption of **HR 7.** Agreed.

HR 8, by Representative Ostertag: A RESOLUTION relating to House Bill 1 of the Second 1963 Extraordinary Session of the General Assembly.

HR 8, A RESOLUTION relating to House Bill 1 of the Second 1963 Extraordinary Session of the General Assembly.

WHEREAS, An emergency situation exists in eleven counties of Eastern Kentucky because of the eminent withdrawal of the United Mine Workers Welfare and Retirement Fund from the areas served by the Miners' hospitals in Hazard, McDowell, Whitesburg and Middlesboro; and

WHEREAS, The Board of National Missions of the United Presbyterian Church has, through its good offices, developed a plan whereby each institution may remain open and eventually become a selfsustaining community hospital; and

WHEREAS, H. B. 1 has been offered as the only means of providing the necessary mechanism and funds to meet the estimated cost of indigent care in these hospitals, thus establishing the financial security of operation deemed necessary in the plan developed by the Board of National Missions of the United Presbyterian Church; and

WHEREAS, This legislation particularly involves five hospitals in the eleven-county area concerned but presents a problem indigenous to all hospitals of the state; and

WHEREAS, The cost of providing hospital care to the medically indigent in every hospital in the state must of necessity limit the financial ability of the hospital to provide many desirable services to the community; and

WHEREAS, We understand that there are insufficient state and federal dollars available to meet the statewide cost of care for the medically indigent patient; and

WHEREAS, The official testimony of the Commissioner of Health indicates that even if these Miners' hospitals remain open, only 60 per cent of the needed beds for the area will be available, and it is our understanding that H.B. 1 is the only temporary expedient by which these hospitals can remain operative; and

WHEREAS, The governor has indicated his sincere concern for the medically indigent of this area by his long and arduous efforts and negotiations culminating in this emergency proposal;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the governor and all parties concerned be commended for taking action in an attempt to prevent an already grave situation from becoming catastrophic.

Section 2. That the Kentucky Hospital Association expresses its continuing interest and determination to provide all possible assistance within its capabilities on behalf of the health and welfare of the citizens of the state.

Section 3. That each hospital in the Commonwealth bears the heavy financial burden of providing care to the medically indigent and has a full right to participate in any program supported by public funds for this purpose.

Section 4. That the Kentucky Hospital Association recognizes the immediate emergency involved in H. B. 1 and that with the understanding that this is a temporary measure accepts H. B. 1 as an expediency to meet this humanitarian crisis.

Section 5. That some means be found for other hospitals in the same geographical area of the Miners' hospitals in question, which are now participating in the existing Kentucky Program for Medical Assistance, to receive payment for medically indigent patient costs in the same fashion and to the same extent as those hospitals covered by H. B. 1 and named in official testimony before the Joint House and Senate Committee on June 20, 1963; and this among other things is significant because of the doctor-patient relationship, the advantages of receiving hospital care at an institution nearest the home of a patient, the high possibility of lower patient costs as compared to the five hospitals in question, and the need for other hospitals in the area for relief from heavy current medical indigent patient costs.

Section 6. That planning be initiated immediately to provide equal benefits to any medically indigent citizen of the state.

Representative Ostertag moved the adoption of **HR 8.** Agreed.

HR 9, by Representatives Hancock, Denham, Hinkle, Fern, Roberts, Miller and Lowman. A RESOLUTION adjourning in memory of Finnell L. Fields.

HR 9, A RESOLUTION adjourning in memory of Finnell L. Fields.

WHEREAS, this body has been informed of the death of Finnell L. Fields on June 19, 1963; and

WHEREAS, Finnell L. Fields served as Assistant Superintendent of Bracken County Schools and distinguished himself while holding that office; and

WHEREAS, while a member of this body in 1958 Finnell L. Fields strived for the betterment of the educational system throughout the Commonwealth; and

WHEREAS, Finnell L. Fields was a dedicated and active member in the affairs of the Brooksville Christian Church, being an elder and superintendent of the Sunday School department; and

WHEREAS, the death of Finnell L. Fields results in a loss to the citizens of Bracken County and the Commonwealth of Kentucky;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That when this body adjourns on Tuesday, June 25, it does so in memory of Finnell L. Fields.

Section 2. That the Clerk of the House be directed to send copies of this resolution to Mrs. Naomi Fields, wife of Finnell L. Fields of Brooksville, Mr. Lowell Fields of Mt. Sterling, Mr. Thomas Fields, Lexington, and Mr. Lonnie Fields of Brooksville, sons of Finnell L. Fields.

Representative Hancock moved the adoption of **HR 9.** Agreed.

Representative Moloney moved that when the House adjourn it do so until 10:00 a.m., June 26, 1963. Agreed.

Representative Dempsey announced that there would be a Minority Party meeting immediately upon adjournment.

Calendar

SR 4 taken from the Calendar and ordered read at length for the second time. Representative Moloney moved that it be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Representative Moloney moved that the House adjourn until 10:00 a.m., Wednesday, June 26, 1963. Agreed.

WEDNESDAY, JUNE 26, 1963

NINTH LEGISLATIVE DAY

The House was called to order by Speaker Harry King Lowman.

Prayer by The Reverend James A. Shepherd of the First Methodist Church, Frankfort.

The roll was called. All present except Representatives Ashby, Ballenger, Blythe, Browning, Hampton, Hart, Lesshafft, Miller, Ostertag, and H. Wood.

Representative Mills moved that absent members be granted leave of absence. Agreed.

Representative Isler moved that the reading of the Journal of Tuesday, June 25, 1963, be dispensed with and the same be approved. Agreed.

Representative Freeman moved that the House be represented at a Democratic Meeting in Hawaii by one member and that all expenses be paid from the Legislative Fund. The motion was rejected.

Motions, Petitions, and Communications

HR 10, by Representatives Hislope, Willen, Dempsey, Murphy, Slone, White, Cornett, Wilson, Bartley, Peace, Hensley, A. Brown, Cummins, Watson, L. Morgan and Majors: A RESOLUTION relating to the Supreme Court's ruling barring Bible reading and recitation of the Lord's Prayer in public schools.

Speaker Harry King Lowman requested that action on **HR 10** be delayed until the Resolution is printed to afford clarification.

HR 11, by Representatives Cottengim, Murphy, Oelsner, Isler and Sheehan: A RESOLUTION providing that the Dept. of Economic Security report in detail the cost of administering the provisions of House Bill No. 1 to the 1964 session of the General Assembly.

HR 11, A RESOLUTION providing that the Department of Economic Security report in detail the cost of administering the provisions of House Bill No. 1 to the 1964 session of the General Assembly.

WHEREAS, the members of the General Assembly are vitally interested in the cost of administering the provisions of House Bill No. 1; and

WHEREAS, the cost of administering House Bill No. 1 can not be ascertained with accuracy at the present time; and

WHEREAS, the Department of Economic Security retains all responsibility relating to fiscal matters and general supervision for the administration of House Bill No. 1;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the Department of Economic Security report in detail to the 1964 session of the General Assembly the cost of administering the provisions of House Bill No. 1.

Representative Cottengim moved the adoption of **HR 11.** Agreed.

Recess

Speaker Harry King Lowman announced that there would be a recess for five minutes for a Rules Committee Meeting.

At the appointed hour, Speaker Harry King Lowman resumed the Chair and called the House to order.

Senate Message

Announcing passage of **SB 1.**

Orders of the Day

SR 4 was taken from Orders of the Day and ordered read at length for the third time. Representative Moloney moved that it be read by title only. Agreed by a majority of members elected.

Representative Moloney moved that the following amendment be adopted to **SR 4:**

Amend printed copy of Senate Resolution No. 4 on page 2, line 9, by:

Deleting "any States" and inserting "any State".

On page 2, line 11, by deleting "Section" and inserting "Sec.".

On page 2, lines 15 and 16, by deleting "to the Secretary of State of the United States,".

The amendment to **SR 4** was adopted.

Representative Moloney moved the Previous Question on **SR 4** as amended. Agreed.

On the roll call, the vote was yeas 74--Bartley, Barton, Bates, Bleemel, Archie Brown, John Young Brown, Buky, Bunnell, Caldwell, Carroll, Cottengim, Cummins, Dixon, Dobyns, Dyer, Fern, Freeman, Frymire, Geveden, Green, Hale, Hancock, Hill, Hinkle, Hislope, Houtchens, Howard, Huff, Hunt, Irick, Isler, Jesse O. Johnson, Lewis N. Johnson, Jordan, Lacy, Lankford, Lassiter, Lowman, McCallum, McCracken, Maddox, Majors, Martin, Mills, Moloney, Fred Morgan,

Luther F. Morgan, Murphy, Nicholls, Oelsner, Patrick, Peace, Peniston, Render, Roberts, Secrest, Sheehan, Slone, Slusher, J. D. Smith, Virgil Smith, Sparks, Swinford, A. E. Tucker, Amelia M. Tucker, Vickers, Watkins, Watson, Webster, Willen, Wilson, Wiseman, Frank Wood, Young. Nays 0.

SR 4 was passed and the title agreed to.

Representative Moloney moved that the vote by which **SR 4** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Nicholls moved that the Rules be suspended to make a motion to adjourn until 11:00 a.m., June 27, 1963.

On the roll call, the vote was yeas 35—Alexander, Bartley, Archie Brown, Buky, Bunnell, Cornett, Cottengim, Cummins, Dempsey, Denham, Fern, Frymire, Harris, Hensley, Hinkle, Hislope, Howard, Huff, Ingram, Isler, Jesse O. Johnson, Kirtley, Lacy, Fred Morgan, Murphy, Nicholls, Oelsner, Peace, Secrest, Sheehan, Slone, Vickers, Watson, Willen, Wilson. Nays 19—Bates, Bleemel, J. Y. Brown, Carroll, Colley, Green, Hale, Hill, Irick, Lankford, Moloney, Roberts, J. D. Smith, Swinford, A. E. Tucker, Watkins, Webster, White, Young.

The motion to suspend the Rules was rejected.

SR 3 was taken from the Orders of the Day.

SR 3, A CONCURRENT RESOLUTION commending Lieutenant Governor Wilson W. Wyatt.

WHEREAS, Wilson W. Wyatt accepted a most delicate and urgent mission of good offices of the President of the United States to President Sukarno and other officials of the government of Indonesia in connection with critical negotiations between the Indonesian Government and American oil companies operating in that country; and

WHEREAS, Lieutenant Governor Wyatt played an indispensable part in reaching an agreement satisfactory to both sides during these negotiations; and

WHEREAS, in performing the utmost service in the national interest Wilson W. Wyatt averted a possible crisis in relations between parties involved in these negotiations;

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

That the Senate and House of Representatives be recorded as recognizing the great services performed by Lieutenant Governor Wilson W. Wyatt for his country and the people of the Commonwealth of Kentucky.

Representative Moloney moved the adoption of **SR 3.** Agreed.

Representative Moloney moved that the House recess for five minutes for a Rules Committee Meeting. Rejected.

Representative Moloney moved that when the House adjourn it do so until 10:00 a.m., June 27, 1963. Agreed.

Recess

Speaker Harry King Lowman announced that there would be a five minute recess for a Rules Committee Meeting.

At the appointed hour, Speaker Harry King Lowman resumed the Chair and called the House to order.

Representative Moloney moved that the Rules be suspended for a Committee Report. Agreed.

Report of Committee

Committee on Rules reported **SB 1** with the expression of opinion that same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 1, AN ACT relating to penal corrections.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

The Commission on Correction and Community Service shall consist of the Commissioner of the Department of Corrections, the Director of the Division of Probation and Parole, the Director of the Division of Institutions, the Chairman of the Parole Board, two circuit judges designated by the Governor, and five public members appointed by the Governor, these to include a psychiatrist, a professional educator, a member who is qualified to express the views of business and industry, a member who is qualified to express the views of organized labor, and a practicing attorney. The judicial and public members shall serve for the remainder of the term of office of the Governor during whose incumbency they were appointed, unless sooner removed for cause; all other members shall serve during their terms of office. The Commissioner of Corrections shall act as chairman of the Commission. All members of the Commission shall serve without compensation, but each member shall be reimbursed for his necessary travel and other expenses actually incurred in the discharge of his duties on the Commission. For administrative and budgetary purposes, the Commission is attached to the Department of Corrections, which shall furnish necessary staff services to the Commission.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The Commission shall meet at least every three months, and whenever called into session by the chairman, at the request of the Governor, of any two or more members of the Commission, or on his own motion.

(2) The Commission shall advise the Governor and the Commissioner of Corrections concerning correctional policy and programs, including particularly the following:

(a) the need for, and the development of new or specialized institutions, facilities, or programs;

(b) the need for, and the effectuation of collaboration and liaison within the Department, and between the Department and community agencies and resources, including the bench and bar, in order to promote the readjustment and rehabilitation of offenders in institutions or under parole or probation supervision in the community;

(c) the need for, and the development of useful researches in penology, correctional treatment, criminal law, or in the disciplines relevant thereto.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

The Commission or one or more of its members may visit and inspect any state penal institution, and may inform and advise the Commissioner of Corrections in regard to any such institution's physical or other condition, its discipline, management, program, and its general adequacy or inadequacy. The Commission or a majority of its members shall have full access to the grounds and buildings and to the books and records belonging or relating to any such institution, as well as the right to subpoena witnesses, take proof or hear testimony under oath relating to any such institution.

Section 4. Section 439.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Governor [with the advice of the commissioner] shall appoint a parole board consisting of [three] *five* members, one of whom he shall name as chairman of the board. *He shall make each appointment from a list of names given to him by the Commission on Correction and Community Service. The Governor may reject any list and call for a new list.* The board shall be attached to the Department [of Welfare] *for administrative purposes only; the Department shall provide such personnel to assist the board as may be necessary.* Persons named to the board by the Governor shall be those who have demonstrated their knowledge and experience in correctional treatment or crime prevention and shall be appointed without regard to their political affiliation.

(2) The members of the board shall give full time to the duties of their office and shall receive necessary traveling expenses and not less than [$7,500] *$10,000* per annum compensation, except the chairman of the board shall receive additional compensation of $500 per year for his services. Their terms of office shall be four years and until their successors are appointed and have qualified [,] . [except that the first three members shall be appointed for terms of two, three and four years, respectively.] Their successors shall be appointed thereafter as provided in this section for terms of four years, and a vacancy occurring before expiration of the term of office shall be similarly filled for the unexpired term. The chairman of the board shall serve as such until the expiration of his term at which time the Governor shall name his successor and designate the chairman of the board. If a vacancy occurs in the chairmanship of the board before the expiration of the term the Governor may name a successor to serve for the remainder of the unexpired term.

(3) [Two] *Three* members of the board shall constitute a quorum [,] . [but if two members be absent during any working day then the director may serve in their stead and his presence in such service may be counted for determining a quorum.] The organization of the board shall be determined by the chairman.

(4) The Governor may not remove any member of the board except for disability, inefficiency, neglect of duty, or malfeasance in office. Before such removal he shall give the member a written copy of the charges against him and shall fix the time when he can be heard in his defense, which shall not be less than ten days thereafter. Upon removal the Governor shall file in the office of the Secretary of State a complete statement of all charges made against the member and the findings thereupon with a record of the proceedings.

Section 5. The first five-member board appointed after the effective date of this Act shall be composed of the three incumbent members, and two new members appointed as provided in subsection (1) of Section 4 of this Act. The two new members shall be appointed for terms of four years; the terms of the incumbent members shall be unaffected.

Section 6. Section 439.340 of the Kentucky Revised Statutes is amended to read as follows:

(1) [Subject to the provisions of KRS 439.250 to 439.560] The board may release on parole such persons confined in any adult state penal or correctional institution of Kentucky as are eligible for parole. All paroles shall issue upon order of the board duly adopted. As soon as practicable after his admission and at such intervals thereafter as it may determine, the Division of [Corrections] *Institutions* shall obtain all pertinent information regarding each prisoner, except those not eligible for parole. Such information shall include his criminal

record, his conduct, employment and attitude in prison, and the reports of such physical and mental examinations as have been made. The Division of Probation and Parole shall furnish the circumstances of his offense and his previous social history to the institution and the board. The Division of [Corrections] *Institutions* shall prepare a report on such information as it obtains. It shall be the duty of the Division of Probation and Parole to supplement this report with such material as the board may request and submit such report to the board.

(2) Before granting the parole of any prisoner, the board shall consider the pertinent information regarding the prisoner and shall have him appear before it, *or one or more members* for interview and hearing. A parole shall be ordered only for the best interest of society and not as an award of clemency, and it shall not be considered a reduction of sentence or pardon. A prisoner shall be placed on parole only when arrangements have been made for his proper employment or for his maintenance and care, and when the board believes he is able and willing to fulfill the obligations of a law abiding citizen.

(3) [Except as provided otherwise by KRS 439.250 to 439.560] The board [may] *shall* adopt such rules *or regulations* as it may deem proper or necessary with respect to the eligibility of prisoners for parole, the conduct of parole hearings, or conditions to be imposed upon parolees. [; subject to the provisions of KRS 439.110.] *Regulations governing the eligibility of prisoners for parole shall be in accordance with prevailing ideas of correction and reform.*

Whenever an order for parole is issued it shall recite the conditions thereof.

Section 7. For the purpose of administering this Act and to upgrade the quality and quantity of technical and professional personnel services there is hereby appropriated to the Department of Corrections out of the general expenditure fund in the State Treasury the sum of one hundred twenty-five thousand dollars ($125,000) for the 1963-64 fiscal year.

Section 8. A new section of Chapter 197 of the Kentucky Revised Statutes is created to read as follows:

(1) A sentence, on conviction of a felony, imposed upon a confined prisoner for a crime committed prior to the date of his instant commitment, if designated to be served consecutively, shall be added to the sentence or sentences being served.

(2) If the additional sentence is designated to be served concurrently, or the commitment is silent, he shall be considered as having started to serve said sentence on the day he was committed on the first sentence.

Section 9. Sections 439.115, 439.125, 439.135, 439.145, 439.155 and 439.165 and subsection (4) of KRS 196.070 of the Kentucky Revised Statutes are repealed.

Section 10. This Act becomes effective October 1, 1963.

Representative Oz Johnson moved that when the House adjourn on June 27, 1963, it do so until July 1, 1963, at 8:00 p.m. Agreed.

Representative Cottengim moved that the House leadership set a time and place for a Public Hearing on **SB 1.** Agreed.

Representative A. Brown moved that Representative Cottengim's motion be amended to state that the Public Hearings be held next Tuesday and Wednesday, July 2 and 3, 1963, at 1:00 p.m. Rejected.

Representative Moloney moved that the House adjourn until 10:00 a.m., June 27, 1963. Agreed.

THURSDAY, JUNE 27, 1963

TENTH LEGISLATIVE DAY

The House was called to order by Representative Fred Morgan.

Prayer by Dr. Robert J. Laughlin of the First Presbyterian Church of Frankfort.

The roll was called. All present except Representatives Ballenger, Bartley, Browning, Dyer, Farmer, Hampton, Hancock, Hart, Howard, Lankford, Lesshafft, Lowman, Miller, V. Smith, Willen, Wilson and H. Wood.

Representative Mills moved that absent members be granted leave of absence. Agreed.

Representative Isler moved that the reading of the Journal of Wednesday, June 26, 1963, be dispensed with and the same be approved. Agreed.

Recess

Representative Moloney moved that the House recess for fifteen minutes for a Majority Party Caucus. Agreed.

At the appointed hour, Acting Speaker Fred Morgan resumed the Chair and called the House to order.

Representative Moloney moved that the House proceed to the reading of the Calendar. Agreed.

Calendar

SB 1 was taken from the Calendar and ordered read at length for the second time. Representative Moloney moved that it be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Representative Moloney moved that the House adjourn until 8:00 p.m., July 1, 1963. Agreed.

MONDAY, JULY 1, 1963

THIRTEENTH LEGISLATIVE DAY

The House was called to order by Speaker Harry King Lowman.

Prayer by the Reverend John L. Hunt of the South Presbyterian Church, Frankfort.

The roll was called. All present except Representatives Ballenger, Browning, Geveden, Lesshafft, Patrick, and H. Wood.

Senate Message

Announcing passage of **HB 1, SR 11** and **SR 13.**

Motions, Petitions, and Communications

Representative Mills moved that absent members be granted leave of absence. Agreed.

Representative Isler moved that the reading of the Journal of Thursday, June 29, 1963, be dispensed with and the same be approved. Agreed.

Recess

Representative Moloney moved that the House recess for fifteen minutes for a Majority Party Caucus. Agreed.

At the appointed hour, Speaker Harry King Lowman resumed the Chair and called the House to order.

Report on Enrolled Bills

Committee on Enrollment reported that **HB 1** and **SR 4** had been examined and found correctly enrolled. **HB 1** and **SR 4** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 1 delivered to the Senate, signed by the President. Ordered delivered to the Governor.

Representative Moloney moved that when the House do adjourn, it do so until 10:00 a.m., July 2, 1963. Agreed.

Motions, Petitions, and Communications

HR 17, by Representative Moloney: A JOINT RESOLUTION fixing the latest date of adjournment of the General Assembly.

HR 17, A JOINT RESOLUTION fixing the latest date of adjournment of the General Assembly.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the House of Representatives and the Senate of the General Assembly convened in extraordinary session, shall adjourn sine die not later than midnight, July 2, 1963.

Representative Moloney moved the adoption of **HR 17.** Agreed.

Representative Hislope moved that **HR 10** be read. Agreed.

HR 10, A RESOLUTION relating to the Supreme Court's ruling barring Bible reading and recitation of the Lord's Prayer in public schools.

WHEREAS, the Supreme Court decisions barring the reading of the Bible and saying the Lord's Prayer in public schools has gone beyond the intent of the Federal Constitution, and is in disregard of the laws of 37 states of the Union, including the sovereign state of Kentucky; and

WHEREAS, the decision of the highest court of the land infers that the mere recognition of Almighty God, is in itself, a violation of religious liberty and the reading of the Holy Word is in violation of the law of the land; and

WHEREAS, many millions of Americans join in the opinion of dissent to the high court's opinion; and

WHEREAS, the majority of the Supreme Court, Earl Warren always included, is soft on Communism and hard on religion;

WHEREAS, the reading of the Bible does not establish a church and the recognition of Almighty God by an employee of a state does not tend to unite church and state and therefore is not at variance with the first amendment to the United States Constitutions; and

WHEREAS, state legislatures and the U. S. Congress say prayers to the great Master but school personnel are not permitted to call on His name; and

WHEREAS, it is now feared by many of His Elect that all religious aspects of governmental procedures will be banished and the following may soon come to pass:

1. Coins, bearing the inscription, IN GOD WE TRUST, will be called in by U. S. Treasury and will no longer be legal tender in the U.S.A.

2. All public documents containing any word, phrase, or reference to God, and all such documents on file in all counties, states, and the U. S. shall be pulled and the word God obliterated, marked out or otherwise destroyed.

3. No instrument which must be recorded shall mention the name of the Lord, no testamentary document will be effective which refers to the name of the Most High and no deed of conveyance will be valid which refers to His Holy name.

4. In the year of our Lord will no longer be referred to and B.C. and A.D. will no longer be used in the calculation of time.

5. Inscriptions on public shrines and monuments shall be removed if reference is made to the Deity. This includes the tomb of the unknown soldier in Arlington National Cemetery and all tomb stones in all government cemeteries.

6. No longer will chaplains serve in the Army of the United States or religious service be permitted where U. S. soldiers are stationed.

WHEREAS, certain decisions of the Supreme Court are alien to and inimical to the well being and spiritual growth of the United States of America;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the House go on record opposed to the decisions of the Supreme Court relating to Bible reading and recitation of the Lord's Prayer in public schools in the cases of School District of Abington Township v. Schempp et al., and Murray et al. v. Curlett, et al.

Representative Hislope moved that **HR 10** be adopted.

On the roll call, the vote was yeas 41—Bartley, Barton, Blythe, Archie Brown, Buky, Bunnell, Caldwell, Colley, Cornett, Cummins, Dempsey, Denham, Farmer, Green, Harris, Hensley, Hislope, Houtchens, Hunt, Ingram, Irick, Isler, Lankford, Lassiter, Majors, Miller, Luther F. Morgan, Murphy, Patrick, Peace, Render, Secrest, Sheehan, Slone, Slusher, A. E. Tucker, Vickers, Watson, Willen, Wilson, Harry W. Wood. Nays 10—Ashby, J. Y. Brown, Cottengim, Dobyns, Hale, Nicholls, Roberts, Swinford, Amelia Tucker, and Watkins.

HR 10 was adopted.

HR 12, by Representatives Cottengim, Oelsner and Murphy: A RESOLUTION requesting the Legislative Research Commission to study the feasibility of having the members of the medical profession on the State Board of Health appointed on a regional basis.

HR 12, A RESOLUTION requesting the Legislative Research Commission to study the feasibility of having the members of the medical profession on the State Board of Health appointed on a regional basis.

WHEREAS, membership on the State Board of Health is set forth in KRS 211.040; and

WHEREAS, at the present time the members of the State Board of Health are not appointed on a regional basis;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the Legislative Research Commission study the feasibility of having the members of the medical profession who are on the State Board of Health appointed on a regional basis.

Representative Cottengim moved the adoption of **HR 12.**

On the roll call, the vote was yeas 38—Ashby, Bates, Bleemel, Archie Brown, Bunnell, Cornett, Cottengim, Cummins, Dyer, Frymire, Green, Hahn, Hale, Hampton, Huff, Hunt, Ingram, Isler, Lankford, McCracken, Majors, Martin, Fred Morgan, Luther F. Morgan, Murphy, Nicholls, Oelsner, Ostertag, Render, Roberts, Sheehan, Slone, Watkins, Wilson, Wiseman, Frank Wood, Young. Nays 3—Denham, Amelia Tucker, Harry W. Wood.

HR 12 was adopted.

Representative J. Y. Brown moved that the Rules be suspended in order to reconsider the vote on **HR 10.**

On the roll call, the vote was yeas 26—Ashby, Bates, Bleemel, John Young Brown, Carroll, Cottengim, Dobyns, Farmer, Green, Hale, Hill, Lankford, McCallum, McCracken, Moloney, Nicholls, Oelsner, Ostertag, Roberts, J. D. Smith, Swinford, Amelia M. Tucker, Watkins, Webster, Frank Wood, Young. Nays 16—Bartley, Archie Brown, Cornett, Cummins, Dempsey, Hensley, Hislope, Luther Morgan, Patrick, Peace, Secrest, Sheehan, Vickers, Watson, Willen, Wilson.

The motion to suspend the Rules lost for a lack of a Constitutional Majority.

Representative A. Brown moved that the House adjourn until 10:00 a.m., July 2, 1963. Agreed.

TUESDAY, JULY 2, 1963

FOURTEENTH LEGISLATIVE DAY

The House was called to order by Speaker Harry King Lowman.

Prayer by Dr. Robert J. Laughlin of the First Presbyterian Church of Frankfort.

The roll was called. All present except Representatives Ballenger, Browning, Geveden, Oz Johnson, Leister, Lesshafft, Patrick, and Peniston.

Representative Mills moved that absent members be granted leave of absence. Agreed.

Representative Isler moved that the reading of the Journal of Monday, July 1, 1963, be dispensed with and the same be approved. Agreed.

Recess

Representative Young moved that the House recess for five minutes for a Majority Party Caucus. Agreed.

Representative Bartley moved that the House recess for five minutes for a Minority Party Caucus. Agreed.

At the appointed hour, Speaker Harry King Lowman resumed the Chair and called the House to order.

Recess

Representative Moloney moved the House recess for five minutes for a Rules Committee meeting. Agreed.

At the appointed hour, Speaker Harry King Lowman resumed the Chair and called the House to order.

Motions, Petitions, and Communications

Representative Moloney moved that the Rules be suspended so that the House could proceed to the Orders of the Day. Agreed.

Orders of the Day

SB 1 taken from Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Representative Moloney moved that it be read by title only. Agreed by a majority of members elected.

Representative Moloney moved the Previous Question on **SB 1.** Agreed.

Speaker Harry King Lowman vacated the Chair and Representative Fred Morgan presided.

Speaker Harry King Lowman resumed the Chair.

On the roll call, the vote was yeas 66—Ashby, Bates, Bleemel, John Young Brown, Bunnell, Carroll, Colley, Cottengim, Denham, Dixon, Dobyns, Dyer, Fern, Freeman, Frymire, Green, Hahn, Hale, Hampton, Hancock, Hart, Hill, Hinkle, Houtchens, Howard, Huff, Hunt, Irick, Isler, Lewis N. Johnson, Jordan, Kirtley, Lacy, Lankford, Lassiter, McCallum, Maddox, Majors, Martin, Miller, Mills, Moloney, Fred Morgan, Luther F. Morgan, Murphy, Nicholls, Oelsner, Ostertag, Peace, Roberts, Secrest, Sheehan, Slone, Slusher, J. D. Smith, Virgil Smith, Sparks, Swinford, A. E. Tucker, Watkins, Webster, White, Whitlock, Wiseman, Harry W. Wood, Young. Nays 20—Alexander, Bartley, Barton, Blythe, Archie Brown, Buky, Caldwell, Cornett, Cummins, Dempsey, Hislope, Hensley, Ingram, Render, Amelia Tucker, Vickers, Watson, Willen, Wilson, and Frank Wood.

SB 1 was passed and the title agreed to.

Representative Moloney moved that the vote by which **SB 1** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Moloney moved that the House return to the regular Order of Business. Agreed.

Motions, Petitions, and Communications

HR 13, by Representatives Irick, Denham, Webster, Lankford, Render, Slusher, Lassiter, L. Morgan and Oz Johnson: A RESOLUTION commending the Fort Harrod Theatre's production, "Home is the Hunter."

HR 13, A RESOLUTION commending the Fort Harrod Theatre's production, "Home Is The Hunter."

WHEREAS, Saturday, June 29, 1963, marked the opening performance of the outdoor drama "Home Is The Hunter"; and

WHEREAS, this production portrays Kentuckians in their struggle to become an independent county of Virginia and shows the true pioneer spirit which was characteristic of Kentuckians then, as today; and

WHEREAS, the Fort Harrod Theatre has, by presenting "Home Is The Hunter," paid proper and deserving tribute to the sturdy settlers who were instrumental in the founding of the Commonwealth; and

WHEREAS, Harrodsburg has added its name to the list of Kentucky cities presenting outdoor pageants which describe the early life of Kentucky; and

WHEREAS, "Home Is The Hunter" honors this Commonwealth and its citizens and distinguishes both in the eyes of all who have seen this story;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House recognizes and commends the Fort Harrod Theatre and its production "Home Is The Hunter."

Section 2. That the Clerk of the House send a copy of this resolution to the Fort Harrod Drama Productions, Harrodsburg.

Representative Irick moved the adoption of **HR 13.** Agreed.

HR 14, by Representatives Irick, Denham, Webster, Lankford, Render, Slusher, Lassiter, L. Morgan and Oz Johnson: A RESOLUTION recognizing and commending the Danville Pioneer Playhouse.

HR 14, A RESOLUTION recognizing and commending the Danville Pioneer Playhouse.

WHEREAS, the Danville Pioneer Playhouse, an outstanding and unique summer theatre, has been designated as the official State Theatre of the Commonwealth of Kentucky; and

WHEREAS, the Danville Pioneer Playhouse has embarked upon a program unparalleled in the annals of theatre history; and

WHEREAS, the purpose of the official State Theatre of the Commonwealth is to develop new talent of both playwrights and actors; and

WHEREAS, this purpose, being fulfilled has provided a showcase for prior undiscovered talent; and

WHEREAS, the current production of the Danville Pioneer Playhouse represents actual tryouts for possible Broadway production; and

WHEREAS, the environs and personnel of the Pioneer Playhouse have extended to guests, both from out-of-state and Kentucky, gracious hospitality and unexcelled performances, thereby distinguishing the reputation of the Commonwealth; and

WHEREAS, an undertaking of this nature symbolizes the pioneer spirit of Kentucky in its ambitious and challenging format thereby deserving the support and assistance of each and every member of this august body;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives of the Commonwealth of Kentucky endorse and recommend the Danville Pioneer Playhouse, the official theater of the Commonwealth.

Section 2. That the clerk of the House be directed to mail a copy of this resolution to Col. Eben Henson and Col. Irvine Strouse of Danville, Kentucky.

Representative Irick moved the adoption of **HR 14.** Agreed.

HR 15, by Representatives Murphy, Sheehan, Cottengim, Oelsner, Huff, Ostertag, Martin and Isler: A RESOLUTION requesting the Governor to amend his call for the 1963 Second Extraordinary Session of the General Assembly to permit the consideration of legislation to amend the election laws.

HR 15, A RESOLUTION requesting the Governor to amend his call for the 1963 Second Extraordinary Session of the General Assembly to permit the consideration of legislation to amend the election laws.

WHEREAS, KRS 118.040 provides that the polls shall be open from 6 a.m. to 5 p.m.; and

WHEREAS, voters in the heavily populated precincts may be required to wait in line for some time to exercise the privilege of voting; and

WHEREAS, those people who have not actually voted by 5 p.m. are turned away from the polls and thus denied the right to vote, regardless of how long they have been waiting to vote; and

WHEREAS, the present law is operating in such a manner as to deny the right to vote to citizens of the Commonwealth of Kentucky;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the Governor be requested to amend his call for the 1963 Second Extraordinary Session of the General Assembly to permit consideration of legislation to amend the election laws to correct the situation which seems to exist in some of the precincts.

Representative Murphy moved the adoption of **HR 15.** Agreed.

HR 16, by Representatives Sheehan, Oelsner, Murphy, Cottengim, Ostertag and Isler: A RESOLUTION urging all Kentuckians to support the "Let Freedom Ring" program.

HR 16, A RESOLUTION urging all Kentuckians to support the "Let Freedom Ring" program.

WHEREAS, July 4 is the birthday of our great nation; and

WHEREAS, it is fitting for the nation's birthday to be celebrated in a stirring and heartwarming manner; and

WHEREAS, Eric Hatch, a distinguished writer, and Eric Sloane, a meteorologist, artist and writer have suggested that a special ceremony be televised from Philadelphia in front of the Liberty Bell in Independence Hall, and that across the nation the bells ring out at this same moment (2 p.m. EDT); and

WHEREAS, the sound of the bells tolling will serve as a thrilling reminder of what the 4th of July stands for, challenging each of us to remember the heroic resolve formed by the men who pledged their lives, their fortunes and their sacred honor 187 years ago; and

WHEREAS, the ringing of the bells simultaneously in all fifty states will transform Independence Day into an inspiring national celebration;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the House of Representatives sanction the "Let Freedom Ring" program and urge all Kentuckians to support the program to start America's bells ringing this July 4 at the same time all across the land.

Representative Sheehan moved the adoption of **HR 16.** Agreed.

SR 13, A CONCURRENT RESOLUTION requesting and petitioning the Congress of the United States to provide an appropriation of funds for the construction of the Laurel River Dam.

WHEREAS, the construction of a dam and reservoir on the Laurel River in Whitley County has been under consideration since 1956; and

WHEREAS, considerable monies have been spent for studies of the feasibility of such a project and for the advance engineering and design thereof; and

WHEREAS, those studies and designs are now favorably completed or nearing completion; and

WHEREAS, the area to be affected by the construction of such a project is especially adaptable for industrial development, with the finest potential therefor in Eastern Kentucky; and

WHEREAS, Interstate Highway 75 passes directly through said area, facilitating transportation therefor; and

WHEREAS, the City of Corbin has shown enthusiasm and effort on a program of industrial development, believing the success of such

a program to depend largely upon the construction of said project; and

WHEREAS, the economy of the general area to be affected is in a depressed condition and favorable stimulation would radiate to a six-county area as a result of such construction;

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That the Congress of the United States be and it hereby is requested to provide an appropriation of funds for the construction of the Laurel River Dam.

Section 2. That the Clerk of the Senate be directed to mail a copy of this resolution to the presiding officer of each house of the Congress of the United States and to each member of the Kentucky congressional delegation.

Representative Moloney moved the adoption of **SR 13.** Agreed.

Representative Hislope requested that his vote on **SB 1** be changed from "Yea" to "Nay". Agreed.

Speaker Harry King Lowman vacated the Chair and Representative Fred Morgan presided.

Recess

Representative Moloney moved that the House recess for thirty minutes. Agreed.

At the appointed hour, Speaker Harry King Lowman resumed the Chair and called the House to order.

Senate Message

Announcing passage of **HR 17.**

Report on Enrolled Bills

Committee on Enrollment reported that **SB 1** had been examined and found correctly enrolled. **SB 1** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

Representative Moloney moved that the Speaker appoint a Committee to wait upon the Governor. Agreed.

The Speaker appointed a Committee to join a similar Committee from the Senate to wait upon the Governor to notify him that the

business of the House had been concluded and to inquire if the Governor had further business to communicate, and to issue an invitation to him to address a joint session of the House and Senate if he so desired.

Committee appointed as follows: Representatives Kirtley, Mills, Slone, Martin and Cornett.

Representative Mills reported for the Committee that the Governor had no message for the House.

Representative Moloney moved that the Journal for the House of Representatives be read and approved. Agreed.

Representative Moloney moved that the House adjourn sine die. Agreed.

The House adjourned sine die.

Approved:

Harry King Lowman
Speaker

Attested:

Troy B. Sturgill, Chief Clerk
House of Representatives

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HISTORY OF HOUSE BILLS

Numbers refer to page of House Journal. The text of a bill is given on 1st reading. The names of sponsors are in parentheses; when a bill has more than two sponsors only the first is listed in this history, but all sponsors are listed when a bill is introduced.

HB 1 Authorizes creation of regional hospital corporations, and makes an appropriation. (Moloney and others).

		Intro-duced	Re-ported	Readings 1st	2nd	3rd	Senate Message	En-rolled	Other Action
HB	1	18	19	19	26	34	48	48	10, 30

HISTORY OF HOUSE RESOLUTIONS

Numbers refer to page of House Journal. The text of a resolution is given on 1st reading or adoption. Joint resolutions are designated **HJR**; concurrent resolutions are designated **HCR.**

HR 1 Adopts the rules of the 1962 Regular Session as rules of the Second Extraordinary Session of 1963. (Moloney)

HR 2 Authorizes appointment of a committee to wait upon the Governor. (Moloney)

HR 3 Invites pastors to open sessions with prayer. (Moloney)

HJR 4 Appropriates funds for expenses of extraordinary session. (Moloney)

HR 5 Urges General Assembly action to preserve miners' hospitals. (Lankford)

HR 6 Adjourns in memory of James L. Patton. (Irick and L. Morgan)

HR 7 Honors the Junior Chamber of Commerce. (Blythe)

HR 8 Urges passage of legislation to preserve miners' hospitals. (Ostertag)

HR 9 Adjourns in memory of Finnell L. Fields. (Hancock and others)

HR 10 Condemns the Supreme Court ruling on bible reading and prayer in public schools. (Hislope and others)

HR 11 Orders report on costs of legislation to preserve miners' hospitals. (Cottengim and others)

HR 12 Requests a study of appointments to the State Board of Health. (Cottengim and others)

HR 13 Commends the production, "Home is the Hunter." (Irick and others)

HR 14 Commends the Danville Pioneer Playhouse. (Irick and others)

HR 15 Requests inclusion in extraordinary session of legislation to amend election laws. (Murphy and others)

HR 16 Urges support of the "Let Freedom Ring" program. (Sheehan and others)

HJR 17 Fixes date for sine die adjournment. (Moloney)

		Intro-duced	Re-ported	Readings 1st	Readings 2nd	Readings 3rd	Adopted	Senate Message	Enrolled	Other Action
HR	1	10					10			
HR	2	10					10			
HR	3	17					18			
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HISTORY OF SENATE BILLS

Numbers refer to page of House Journal. The text of a bill is given on 1st reading.

SB 1 Establishes a Commission on Correction and Community Service.

	Senate Message	Reported	Readings 1st	Readings 2nd	Readings 3rd	Enrolled	Other Action
SB 1	40	42	42	47	52	57	

HISTORY OF SENATE RESOLUTIONS

Numbers refer to page of House Journal. The text of a resolution is given on 1st reading or adoption. Joint resolutions are designated **SJR**; concurrent resolutions are designated **SCR.**

SCR 3 Commends Lieutenant Governor Wyatt.
SJR 4 Ratifies federal poll tax amendment.
SJR 11 Fixes sine die adjournment.
SCR 13 Urges funds for Laurel River Reservoir.

		Senate Message	Reported	Readings 1st	Readings 2nd	Readings 3rd	Adopted	Enrolled	Other Action
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JOURNAL

of the

HOUSE OF REPRESENTATIVES

of the

GENERAL ASSEMBLY

of the

COMMONWEALTH OF KENTUCKY

Third Extraordinary Session of 1963

Held in the State Capitol in the Capitol City of Kentucky, at
Frankfort, in the Year of Our Lord 1963 and
in the One Hundred and Seventy-second
Year of the Commonwealth

Begun on the Eighteenth Day of November, 1963 and
Adjourned Sine Die on the Fifth Day of
December, 1963

DUNNE PRESS
PRINTERS TO THE COMMONWEALTH OF KENTUCKY
LOUISVILLE, KENTUCKY

Edited and Published

by

The Staff of the

Kentucky Legislative Research Commission

Frankfort, Kentucky

December 15, 1963

FOREWORD

The Constitution requires each house of the General Assembly to keep a Journal of its proceedings. The Journal is intended to assure a public account of legislative activity and constitutes the final offical record of action by the General Assembly.

Under the provisions of Section 6.161 and 6.162 of the *Kentucky Revised Statutes*, the Legislative Research Commission is responsible for comparing, editing, correcting, and publishing the Journals as approved by each house of the General Assembly. This volume represents the fulfillment of that obligation.

The text of a bill is spread in full when it receives a first reading. The roll call on passage of a bill is indicated upon its receipt of a third reading. Simple and concurrent resolutions are printed when adopted and joint resolutions are treated as bills. A table of actions on bills and resolutions is appended.

Mrs. Betty S. Balch prepared the House Journal for the Third Extraordinary Session of 1963. Mr. Courtenay J. Walker, Administrative Assistant to the Director, edited the copy for the Legislative Research Commission and prepared the index to this volume.

CHARLES WHEELER
Director

Frankfort, Kentucky
December 15, 1963

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

COMMONWEALTH OF KENTUCKY

THIRD EXTRAORDINARY SESSION OF 1963

MONDAY, NOVEMBER 18, 1963

FIRST LEGISLATIVE DAY

At an Extraordinary Session of the General Assembly of the Commonwealth of Kentucky, held at the Capitol in the City of Frankfort, and begun on November 18, 1963, and in the one hundred seventy-second year of the Commonwealth, in compliance with a proclamation issued by the Governor of the Commonwealth, the House of Representatives was called to order by the Honorable Harry King Lowman, Speaker of the House of Representatives.

Prayer by the Reverend Herman M. Bowers of the First Baptist Church of Frankfort.

The roll was called as follows:

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FRANKLIN)

I, Henry H. Carter, Secretary of State of the Commonwealth of Kentucky, do hereby certify that, according to the records in the office of the Secretary of State of the Commonwealth of Kentucky, and the best information obtainable, the attached is a true and correct list of the duly elected and qualified members of the General Assembly of the Commonwealth of Kentucky.

Given under my hand and seal of office this 18th day of November, 1963.

HENRY H. CARTER
Secretary of State
Commonwealth of Kentucky

1. Fulton, Hickman. Henry Maddox, Democrat, Hickman.
2. Ballard, Carlisle. Noah J. Geveden, Democrat, Wickliffe.
3. Graves. Lon Carter Barton, Democrat, Mayfield.
4. McCracken. Julian M. Carroll, Democrat, West Paducah.
5. McCracken. Fred Morgan, Democrat, Paducah.
6. Lyon, Marshall. Shelby McCallum, Democrat, Benton.
7. Calloway. Charlie Lassiter, Democrat, Murray.
8. Caldwell, Trigg. Virgil Smith, Democrat, Princeton.
9. Christian. John Morris Dixon, Democrat, Oak Grove.
10. Hopkins. Richard L. Frymire, Democrat, Madisonville.
11. Crittenden, Livingston. George F. Harris, Democrat, Salem.
12. Union. James Holloran, Democrat, Sturgis.
13. McLean, Webster. Milton Ashby, Democrat, Sebree.
14. Henderson. Lewis N. Johnson, Democrat, Henderson.
15. Daviess. Mrs. Louise Gasser Kirtley, Democrat, Owensboro.
16. Daviess. R. E. Hale, Democrat, Owensboro.
17. Muhlenberg. James P. Hahn, Democrat, Greenville.
18. Hancock, Ohio. Wayland Render, Republican, Centertown.
19. Todd. H. A. Hampton, Democrat, Trenton.
20. Logan. Paul E. Young, Democrat, Olmstead.
21. Allen, Simpson. Samuel R. McCracken, Jr., Democrat, Franklin.
22. Warren. A. E. Tucker, Democrat, Bowling Green.
23. Butler, Edmonson. Walter Browning, Republican, Brownsville.
24. Grayson. Damon Majors, Democrat, Caneyville.
25. Hardin. Sam H. Watkins, Democrat, Elizabethtown.
26. Breckinridge, Meade. A. R. Dyer, Democrat, McQuady.
28. Metcalfe, Monroe. Wallace Bartley, Republican, Summer Shade.
29. Adair, Green. Thomas M. Watson, Republican, Knifley.
30. Marion, Taylor. James E. Whitlock, Democrat, Lebanon.
31. Hart, Larue. Jack D. Bunnell, Democrat, Hardyville.
32. Anderson, Nelson. Sam Houtchens, Democrat, Bloomfield.
33. Bullitt, Spencer. Leo A. Bleemel, Democrat, Shepherdsville.
34. Jefferson. James M. Caldwell, Republican, Louisville.
35. Jefferson. Jesse O. Johnson, Republican, Louisville.
36. Jefferson. Bruce E. Blythe, Jr., Republican, Louisville.
37. Jefferson. Louis E. Ballinger, Republican, Louisville.
38. Jefferson. Clarence R. Miller, Democrat, Louisville.
39. Jefferson. John W. Farmer, Democrat, Louisville.
40. Jefferson. F. V. Buky, Republican, Louisville.
41. Jefferson. Frank Wood, Republican, Louisville.
42. Jefferson. Mrs. Amelia M. Tucker, Republican, Louisville.
43. Jefferson. Elmer L. Leister, Republican, Louisville.
44. Jefferson. Jack Lesshafft, Republican, Louisville.
45. Mercer, Washington. Edwin Freeman, Democrat, Harrodsburg.
46. Boyle, Garrard. Howard P. Hunt, Jr., Democrat, Danville.
47. Madison. Willie W. Green, Democrat, Richmond.
48. Jessamine, Woodford. James T. Alexander, Democrat, Versailles.

49. Fayette. J. Y. Brown, Democrat, Lexington.
50. Fayette. R. P. Moloney, Democrat, Lexington.
51. Franklin. Ralph Bates, Democrat, Frankfort.
52. Shelby. Luther F. Morgan, Democrat, Shelbyville.
53. Oldham, Trimble. Harry W. Wood, Democrat, Milton.
54. Boone, Gallatin. Dan J. Roberts, Democrat, Walton.
55. Grant, Owen. Franklin Webster, Democrat, Williamstown.
56. Harrison, Scott. John Swinford, Democrat, Cynthiana.
57. Carroll, Henry. Louis T. Peniston, Democrat, New Castle.
58. Kenton. Russell R. Oelsner, Democrat, Park Hills.
59. Kenton. Vernor O. Cottengim, Democrat, Covington.
60. Kenton. John J. Isler, Democrat, Covington.
61. Kenton. Gus Sheehan, Jr., Democrat, Covington.
62. Campbell. Eugene A. Ostertag, Democrat, Fort Thomas.
63. Campbell. James E. Murphy, Democrat, Newport.
64. Bracken, Pendleton. Eugene B. Hancock, Democrat, Falmouth.
65. Mason. Mitchel B. Denham, M.D., Democrat, Maysville.
67. Bourbon, Nicholas. Brooks Hinkle, Democrat, Paris.
68. Clark. Walker H. Wiseman, Democrat, Winchester.
69. Menifee, Montgomery. Otto Ingram, Democrat, Frenchburg.
70. Bath, Rowan. C. H. Hart, Democrat, Sharpsburg
71. Lewis. Wayne Secrest, Republican, Vanceburg.
72. Greenup. L. H. Nicholls, Democrat, Greenup.
73. Carter. H. T. Sparks, Democrat, Olive Hill.
74. Knott, Magoffin. Carlos Huff, Democrat, Hindman.
75. Morgan, Wolfe. Carl Lacy, Democrat, Daysboro.
76. Breathitt, Lee. Thomas B. Howard, Democrat, Jackson.
77. Estill, Powell. Luther Patrick, Republican, Irvine.
78. Jackson, Owsley. William Vickers, Republican, Booneville.
79. Rockcastle. Money Ed Cummins, Republican, Mt. Vernon.
80. Lincoln. T. J. Hill, III, Democrat, Stanford.
81. Casey, Russell. Leonard E. Wilson, Republican, Jamestown.
82. Clinton, Cumberland. Claude R. Willen, Republican, Burkesville.
83. McCreary, Wayne. Archie Brown, Republican, Stearns.
84. Pulaski. Leonard Hislope, Republican, Somerset.
85. Whitley. Will K. Peace, Republican, Williamsburg.
86. Laurel. Paul W. Cornett, Republican, Mershons.
87. Knox. Mrs. Frances Jones Mills, Democrat, Grays.
88. Bell. Mason Slusher, Democrat, Beverly.
89. Harlan. Lawrence Lankford, Democrat, Cawood.
90. Harlan. Fielding S. Hensley, Republican, Harlan.
91. Clay, Leslie. John E. White, Republican, Manchester.
92. Letcher. W. R. Jordan, Democrat, Jenkins.
93. Perry. J. D. Smith, Democrat, Dwarf.
94. Pike. T. T. Colley, Democrat, Robinson Creek.
95. Pike. Gether Irick, Democrat, Stone.
96. Floyd. Allen Slone, Democrat, Blue River.

97. Floyd. Ben Martin, Democrat, Drift.
98. Johnson, Martin. Albert Dempsey, Republican, Inez.
99. Elliott, Lawrence. Russel Dobyns, Democrat, Louisa.
100. Boyd. Harry King Lowman, Democrat, Ashland.

All present except Representatives Farmer, Holloran, Lesshafft and Nicholls.

The Clerk read the following proclamation:

Commonwealth of Kentucky
County of Franklin

I, HENRY H. CARTER, Secretary of State for the Commonwealth of Kentucky, do certify that the foregoing writing has been carefully compared by me with the original record thereof, now in my official custody as Secretary of State and remaining on file in my office, and found to be a true and correct copy of the Proclamation issued by Bert Combs, Governor of the Commonwealth of Kentucky, on November 11th, 1963, calling an Extraordinary Session of the General Assembly of the Commonwealth of Kentucky to convene at 1:00 o'clock P.M., Eastern Standard Time, on Monday, November 18th, 1963.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal.

Done at Frankfort this 18th day of November, 1963.

HENRY H. CARTER
Secretary of State,
Commonwealth of Kentucky

(Seal)

PROCLAMATION

TO THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF KENTUCKY AND TO ALL TO WHOM THESE PRESENTS SHALL COME:

PURSUANT to the power vested in me by Section 80 of the Constitution of Kentucky to convene the General Assembly into Extraordinary Session, I, Bert Combs, Governor of Kentucky, do issue this, my proclamation, convening the General Assembly of Kentucky in Extraordinary Session at the Seat of Government at Frankfort, Kentucky, at 1:00 p.m., EST, on Monday, November 18, 1963, for the sole purpose of considering the following subjects:

1. Whether to amend Chapters 21, 64 and 119 of the Kentucky Revised Statutes to provide for the nonpartisan election of Judges of the Court of Appeals and Circuit Judges and to provide adequate compensation for the services of Judges and Commissioners of the Court of Appeals and Circuit Judges.

2. Whether to amend Chapters 186 and 189 of the Kentucky Revised Statutes to provide for increased highway safety.

The members of the General Assembly will therefore, in accordance with this proclamation, assemble in Extraordinary Session at the Seat of Government at Frankfort, Kentucky, on the day and hour above written, to consider the subjects herein mentioned, and only said subjects and only to the extent herein mentioned.

DONE AT FRANKFORT, KENTUCKY, this eleventh day of November in the year of our Lord one thousand nine hundred and sixty-three and in the year of this Commonwealth the one hundred and seventy-second.

BERT COMBS
Governor

Henry Carter
Secretary of State

Motions, Petitions and Communications

HR 2, by Representative Moloney: A RESOLUTION authorizing appointment of a committee of the House to wait upon the Senate and the Governor.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That a committee of this House be appointed by the Speaker to wait upon the Senate and notify that body that this House is now organized and ready to proceed to the transaction of business and that said committee shall, in conjunction with a like committee from the Senate, wait upon the Governor and inform him that the General Assembly is now organized and ready to receive any communications he may desire to deliver.

Representative Moloney moved the adoption of **HR 2.** Agreed.

Pursuant to **HR 2** the following members were appointed by the Speaker: Representatives Amelia Tucker, J. D. Smith, Lankford, J. Y. Brown, Oelsner and Mills.

HR 3, by Representative Moloney: A RESOLUTION extending an invitation to the pastors of Frankfort churches to open sessions of the House of Representatives with prayer.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the Sergeant at Arms be directed to invite the pastors of the various churches to attend the meetings of this House and open the sessions thereof with prayer.

Representative Moloney moved the adoption of **HR 3.** Agreed.

HR 1, by Representative Moloney: A RESOLUTION adopting rules to govern the Third 1963 Extraordinary Session of the House of Representatives.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the rules adopted by the House of Representatives for the Regular Session of 1962 be adopted as the rules governing the Extraordinary Session beginning November 18, 1963.

Representative Moloney moved the adoption of **HR 1.** Agreed.

The Committee appointed to wait upon the Governor reported that the Governor was ready to address a Joint Session of the General Assembly.

The Senate entered upon the floor of the House.

Representative Moloney moved that the Senate and House go into Joint Session. Agreed.

Joint Session

Speaker Harry King Lowman vacated the Chair, whereupon the Honorable Wilson Wyatt, Lieutenant Governor and President of the Senate, assumed the Chair and called the Joint Session to order.

Prayer by the Reverend Herman M. Bowers of the First Baptist Church of Frankfort.

Representative Moloney moved that the roll call be dispensed with. Agreed.

The Committee appointed to wait upon the Governor appeared with His Excellency, Bert Combs, Governor of the Commonwealth of Kentucky, who addressed the General Assembly as follows:

Governor Wyatt, Mr. Speaker, Mr. President Pro-tem, ladies and gentlemen of the General Assembly:

Permit me to explain why I have called you into Extraordinary Session. The Constitution of Kentucky limits your regular deliberations to a period of sixty days each two years. Such a limitation makes it obvious, when we consider the many and varied problems facing Kentucky, that the framers of our basic charter contemplated frequent use of the power given the Governor to call the General Assembly into special session.

I feel that this power should be used with care, but I do not feel that a State-wide emergency is necessary to justify your consideration of pressing legislative matters.

Some may question the value of a session such as this, but as I look back on the special sessions that have been convened during the past four years, I am convinced that each of those special sessions was justified by the results which were achieved. The people were given an opportunity to vote promptly on the issue of constitutional revision. You faced up to your responsibility for legislative reapportionment. And may I say that we are one of few states in the nation which has a legislative reapportionment act which has not been seriously challenged. Vital medical facilities were saved for the people of Eastern Kentucky by reason of your prompt action. No one, I am confident, will say that the cost was not justified in each of these instances.

The matters which I ask you to consider at this session are of comparable importance. Those who suggest that we are engaged in a conspiracy to offer trifling financial rewards to lame duck legislators fail to understand, in my judgment, the personal and financial sacrifices that many of you must make for a special session. As a lame duck myself—and I am the lamest duck here because you do hold office until Jan. 1, and my term expires on Dec. 10—I think I can speak to you objectively on this matter. I can have no possible personal stake in this session—and neither can you—I have no powers of patronage with which to reward or influence you. The only rewards here for you and for me must be the benefits which will accrue to our state through your deliberations in this session. And perhaps we lame ducks can deliberate on these matters with less political intrusion than anyone else since we have no political consequences to assess.

And on the matter of lame ducks—and there are many of us here—let me just say that in my judgment the fact that a person gets defeated in a political contest is no indication that he shouldn't have been elected or re-elected and certainly no reflection on him as a person. Our democratic system is not a very efficient system. It is the best system devised so far, but certainly it permits of mistakes. I am convinced—and I believe you are—that over the long haul the people do equalize the score. And If I may quote

from a somewhat overworked poem, let me remind you that "When the last Great Scorer comes to mark against your name, He doesn't record whether you won or lost, but how you played the game."

As for me, I have found that the General Assembly of this state has and, I think, deserves the people's confidence. Whenever I have appealed to you for cooperation in solving the problems of Kentucky you have responded in a spirit of service and dedication. In that spirit, I appeal to you once more and for the last time I promise, during my service as Chief Executive.

Our constitutional system divides the powers of government among three independent and coordinate branches. It is the duty and the responsibility of each branch to support and sustain the other branches so that all may function as the constitution intends. When we neglect this responsibility our constitutional system becomes weakened and the individual liberties of our people are endangered.

The judicial branch of government is equal to the other branches —not superior, but equal and coordinate—equal in dignity, equal in importance and equal in its claims upon our consideration. The strength of our courts and judges is the hallmark of the American system of free government. To our courts even the humblest citizen may turn for protection. History shows that in those countries that have gone totalitarian the courts have been the last bulwark of democracy. We can not have a totalitarian form of government so long as the courts are free and independent. But we cannot preserve a strong and independent judiciary unless we have strong and independent judges. And we cannot keep strong and independent judges unless we offer them adequate compensation.

The Constitution of Kentucky recognizes this principle and it imposes upon the other coordinate branches of government the specific duty of providing adequate compensation for circuit judges and judges of the Court of Appeals.

Just as we have the right to expect from the judiciary efficient, fair and impartial administration of justice, so must the judiciary be able to expect fair consideration of the problems they must face. Our judges are at the mercy of the legislature for the salaries they receive and the conditions under which they work. And the inescapable fact is that the compensation of our trial and appellate judges today is grossly inadequate. Kentucky today ranks either last or next to last among the fifty states in compensation of her judges. The Kentucky Court of Appeals is the only State Court of last resort in the nation whose justices have not received an increase in salary in the past ten years. Our circuit judges, even after their last increase, are still the lowest paid in the nation along with those of Arkansas. We have made considerable progress during recent years in improving

salary scales of members of both the legislative and executive branches of government. I think we owe similar attention to the third branch of government where the inequities are now even more pronounced.

We have been blessed with a high-quality of judicial service despite the inadequate level of compensation, but this cannot continue indefinitely. As our judges reach retirement, it becomes increasingly difficult to find other judges willing to serve at current salaries. Nor is it fair or just to ask these men to serve their State at a sacrifice of their living standards and financial security.

There is compelling reason why this matter of judicial compensation must be considered now. The circuit judges, as you know, will enter upon their new terms on January 1st of next year. If their compensation is not adjusted prior to that date, they can expect no relief for the next six-year duration of their terms since section 235 of the constitution provides: "The salaries of public officers shall not be changed during the terms for which they were elected."

Nor is it true that we are attempting here to negate the wishes of the electorate as expressed by their vote on the recent constitutional amendment. You are being asked to act here only in a specific and limited field and in a field which is permitted by the constitution as it now stands. Assuming that the people, by their vote, do not wish to remove all limitations on salary raises, it can also be assumed that they realize that cases similar to those here presented can be handled under existing constitutional provisions. And, of course, whatever is done here—if any affirmative action is taken—will be subject to examination and scrutiny by a fair and imparital court upon objection of any citizen of the Commonwealth.

At the same time we can strengthen the security and independence of our judiciary by providing a non-partisan system of electing our judges. Party politics has no place in the administration of justice. Yet, under our present system of electing judges under a party emblem, qualified, experienced and dedicated judges often find themselves turned out of office simply because of a shift in party strength—a shift which has no relation to their individual capacities as judges. I can recall two of our ablest appellate judges, Justice Willis and Judge Dietzman, both Republicans, who suffered defeat in this manner. Years ago a complete overturn of political parties in Jefferson County swept a whole body of experienced and able judges out of office. The same thing happened in the recent elections. These statements do not reflect on the quality of the judges who are elected. They simply point to the waste of talent involved in the wholesale ouster of experienced judges for reasons that have no bearing on the quality of their judicial service.

It has been and no doubt will be suggested that this is a poor time to start, but let me remind you it is always a poor time to

start doing a difficult job. And in the words of the old parable, "you will never complete a one-thousand-mile journey until you have taken the first step." This is as good a time as any. There would always be some reason to suggest why any particular time was not the appropriate time.

I commend one more matter to your consideration—a law providing for periodic inspection of motor vehicles. The increasing toll of highway accidents has reached shocking proportions. This year will be one of the worst on record. We need 20th century tools to handle a 20th century problem and to make the lives of our people safer as they drive upon modern highways. If, through your action here, you can save the life of a single Kentuckian, you will have justified the effort and expense involved in this special session. Just yesterday the lives of five young Kentuckians were snuffed out in a traffic accident. Just last week the life of a deputy United States Marshal, known to many of you, was snuffed out in another traffic accident.

And there are compelling reasons to believe that many Kentucky lives will be saved through a proper vehicle inspection law. Figures compiled by the National Safety Council show that mechanical difficulties or failures cause or contribute to ten to thirteen per cent of all traffic accidents.

The toll as of now in Kentucky for this year is 722 lives lost in traffic accidents across the state. Ten per cent of 722 would be 72. Assuming that the law would not do nearly all the things that its proponents say it will, if it would save a few of those lives, then I suggest to you that it's time to start. And if a law enacted by this session proves to need correction, there will always be another legislature to make the necessary changes. The only reason we would be subject to criticism, as I see it, is that we do nothing.

In twenty other states and in the District of Columbia the safety inspection program has reduced both accidents and death rates. I therefore urge you to enact a law requiring an annual safety inspection of each motor vehicle in Kentucky. According to the proposed draft, these inspections would be performed by private garages—the garages to be examined, certified and supervised by the State Department of Public Safety. But I am not wedded to any particular phraseology—and I am sure none of you are. The important thing is that we get a law, that we make a start to save the lives of many innocent Kentuckians.

Perhaps many of the objectives of such a law could be achieved through executive order. The Department of Public Safety could no doubt by executive order increase inspections by State police or by other personnel and could make a start of a sort toward requiring

closer inspection of vehicles. Indeed some persons who recently criticized use of executive orders are now foremost among those who criticize the submission of these matters to you. There ought to be a way to do it. If it can't be by executive order, then it ought to be by legislative action. I am convinced, however, that each of these subjects is more properly a matter for legislative consideration.

I can see no political advantage to be gained or political disadvantage to be suffered by this special session, and I would earnestly hope that the subjects submitted for your consideration will be considered by you in a non-partisan manner.

I can say that you members of the General Assembly have always responded to the needs of our people, and you have extended to me the very highest degree of unselfish cooperation in dealing with the matters which I have laid before you in the past. I cannot permit this occasion to pass without expressing my personal gratitude and, I think, the gratitude of the people of this Commonwealth for both your specific accomplishments in the past, and for the spirit in which you have met your responsibilities.

And in a very real sense the members of this Assembly are on trial in this special session. There can be nobody who would say that the Governor's office would have any domination. There are those who would say that you shouldn't have been called here. There are those who will be looking for the slightest mis-step in order to say that this proves the session should not have been called, and that it proves the Legislature, particularly a lame-duck legislature, can not face up to its responsibilities.

I think the objectives to be gained out-weigh the risks that might be taken. The questions you will be asked to vote on are basic and uncomplicated. Figures will be readily available in a public hearing, I hope, which will not delay the legislative process, and which will give you all the information there is on these two subjects. After you get that information, it seems to me you ought to be able to say I am either for or against. I don't see how an extended time would make it easier to vote on either of these two issues. And again I say that this is a responsibility which is yours and yours alone under our system of government. I have taken the chance of calling you here. I am willing to stake what little prestige I have that you will face up to your responsibilities as you have in the past. I can truthfully say this, and I think any impartial observer will say it, that the Legislature of Kentucky in the last four years has brought credit to itself and prestige to our great Commonwealth.

And so, I hope you don't have an extended session. I hope you get the figures which are available. I hope you make up your minds. I hope, of course, that you pass this legislation. But, in any event, I

hope you express your willingness or your unwillingness to do so as soon as possible.

I shall always treasure my associations with the legislative branch of Kentucky's government. In these concluding days of our service, let us work together in the same spirit which has marked our cooperation during the past to assure that our handiwork will merit the approval of Kentucky's people.

Representative Moloney moved that the Joint Session be dissolved. Agreed.

Speaker Harry King Lowman resumed the Chair and called the House to order.

Representative Mills moved that absent members be granted leave of absence. Agreed.

Introduction of Bills

HR 4, by Representative Moloney: A JOINT RESOLUTION making an appropriation to the Legislative Research Commission for expenses incurred in connection with the Third Extraordinary Session of 1963 of the General Assembly, and declaring an emergency.

HB 1, by Representative Moloney: AN ACT relating to the Judiciary, with particular relation to the nomination, election and compensation of its members.

HB 2, by Representative Moloney: AN ACT relating to motor vehicle inspection.

Recess

Representative Moloney moved that the House recess for a Rules Committee meeting. Agreed.

At the appointed hour the Speaker resumed the Chair and called the House to order.

Representative Moloney moved that when the House adjourn it do so until 1:00 p.m., November 19, 1963. Agreed.

Representative Moloney moved that the Rules be suspended for a Committee Report. Agreed.

Report of Committee

Committee on Rules reported **HR 4** with the expression of opinion that same should pass. Read at length for the first time and ordered placed in the Calendar.

HR 4, A JOINT RESOLUTION making an appropriation to the Legislative Research Commission for expenses incurred in connection with the Third Extraordinary Session of 1963 of the General Assembly, and declaring an emergency.

WHEREAS, additional personnel are necessary to properly expedite the business of the Senate and the House of Representatives; and

WHEREAS, the present appropriation of the Legislative Research Commission is insufficient to provide adequate service to the General Assembly;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That there be appropriated out of the General Expenditure Fund, to the Legislative Sessions Fund, for the payment of salaries and other expenses of the Third Extraordinary Session of 1963 of the General Assembly, the sum of nine thousand dollars per calendar day during the Third Extraordinary Session of 1963.

Section 2. That there be appropriated out of the General Expenditure Fund, to the Legislative Research Commission, for the purpose of providing additional services to the General Assembly during the Third Extraordinary Session of 1963 of the General Assembly, the sum of one thousand seven hundred and fifty dollars per calendar day during the Third Extraordinary Session of 1963.

Section 3. The appropriations made in Sections 1 and 2 of this resolution shall be available for expenditure during the 1963-1964 fiscal year.

Section 4. Whereas, the General Assembly is now in session and it is necessary that funds be available immediately, an emergency is declared to exist and this resolution shall become effective upon its passage and approval by the Governor, and shall be retroactive to include payment of compensation to such personnel from and including November 18, 1963.

Announcement

Representative Moloney announced that there would be a Public Hearing in the House Chamber on **HB 1** at 10:00 a.m. until 12:00 noon, November 19, 1963, conducted by the Committee on Committees with the Speaker presiding, and that a Hearing on **HB 2** would be held immediately after adjournment on November 19, 1963.

Representative Moloney moved that the House adjourn until 1:00 P.M., November 19, 1963. Agreed.

TUESDAY, NOVEMBER 19, 1963
SECOND LEGISLATIVE DAY

The House was called to order by Speaker Harry King Lowman.

Prayer by The Reverend J. Carter Roberts of the Church of the Nazarene of Frankfort.

The roll was called. All present except Representatives Browning, Hart, Hill, Hinkle, Houtchens, Leister, Lesshafft, Maddox, Majors, Patrick, Slone, F. Wood and H. Wood.

Representative Isler moved that the reading of the Journal of Monday, November 18, 1963, be dispensed with and the same be approved. Agreed.

Representative Mills moved that absent members be granted leave of absence. Agreed.

Motions, Petitions and Communications

Representative Dempsey moved that the House adjourn sine die.

The Speaker ordered a roll call be taken on said motion.

On the roll call, the vote was yeas 12—Barton, Blythe, Caldwell, Colley, Dempsey, Denham, Hislope, Howard, Miller, Nicholls, Secrest, and Vickers. Nays 47—Ashby, Bates, Bleemel, John Y. Brown, Buky, Bunnell, Carroll, Cottengim, Cummins, Dixon, Farmer, Frymire, Geveden, Green, Hahn, Hampton, Holloran, Huff, Ingram, Irick, Isler, L. N. Johnson, Jordan, Lacy, Lassiter, McCallum, McCracken, Martin, Mills, Murphy, Oelsner, Ostertag, Peniston, Roberts, Sheehan, Slusher, J. D. Smith, Virgil Smith, Sparks, Swinford, A. E. Tucker, Watkins, Watson, Webster, Whitlock, Wilson, and Moloney.

The motion to adjourn sine die was rejected.

Representative Moloney moved that when the House adjourn it do so until 1:00 p.m., November 20, 1963, and that a hearing be held on **HB 1** at 10:00 a.m. that morning and a hearing on **HB 2** immediately after adjournment the same day. Agreed.

Calendar

HR 4 taken from the Calendar and ordered read at length for the second time. Representative Moloney moved that it be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Introduction of Bill

HB 3, by Representative Bunnell: AN ACT relating to motor vehicle inspection.

Representative Moloney moved that the House adjourn until 1:00 p.m., November 20, 1963. Agreed.

WEDNESDAY, NOVEMBER 20, 1963

THIRD LEGISLATIVE DAY

The House was called to order by Speaker Harry King Lowman.

Prayer by the Reverend Herbert Ward Jackson of the Church of the Ascension of Frankfort.

The roll was called. All present except Representatives J. Y. Brown, Browning, Farmer, Geveden, Harris, Hart, Hill, Hinkle, Ingram, Lesshafft, Moloney, Morgan and V. Smith.

Representative Isler moved that the absent members be granted leave of absence. Agreed.

Representative Isler moved that the reading of the Journal of Tuesday, November 19, 1963, be dispensed with and the same be approved. Agreed.

Recess

Speaker Harry King Lowman announced that the House would recess for a Rules Committee meeting.

Speaker Harry King Lowman resumed the Chair and called the House to order.

Orders of the Day

HR 4 taken from Orders of the Day on recommendation of the Rules Committee, and ordered read at length for the third time. Representative Swinford moved that it be read by title only. Agreed by a majority of members elected.

Representatives Swinford moved the Previous Question on **HR 4.** Agreed.

On the roll call, the vote was yeas 72—Alexander, Ashby, Ballenger, Bartley, Barton, Bates, Bleemel, Archie Brown, Buky, Bunnell, Caldwell, Carroll, Colley, Cornett, Cummins, Denham, Dixon, Dobyns, Dyer, Frymire, Green, Hahn, Hale, Hampton, Hensley, Hislope, Holloran, Houtchens, Howard, Huff, Hunt, Irick, Isler, Jesse O. Johnson, Lewis N. Johnson, Jordan, Kirtley, Lacy, Lankford, Lassiter, McCallum, McCracken, Maddox, Majors, Martin, Miller, Mills, Luther F. Morgan, Murphy, Nicholls, Oelsner, Ostertag, Patrick, Peniston, Render, Roberts, Secrest, Sheehan, Slone, Slusher, J. D. Smith, Swinford, Vickers, Watkins, Watson, Webster, White, Whitlock, Willen, Wiseman, Frank Wood, Harry W. Wood. Nays 2—Blythe and Dempsey.

HR 4 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HR 4** was passed be considered and said motion be laid on the table. Agreed.

Introduction of Bills

HB 4, by Representative Roberts: AN ACT relating to operator's licenses.

HB 5, by Representative Dempsey: AN ACT relating to the compensation of members of the judiciary.

Representative Swinford moved that the House adjourn until 10:00 a.m., November 21, 1963. Agreed.

THURSDAY, NOVEMBER 21, 1963

FOURTH LEGISLATIVE DAY

The House was called to order by Speaker Harry King Lowman.

Prayer by Monsignor Joseph A. O'Dwyer of the Church of the Good Shepherd of Frankfort.

The roll was called. All present except Representatives Bates, Browning, Denham, Dixon, Freeman, Geveden, Hampton, Harris, Hart, Houtchens, Ingram, Lesshafft, F. Morgan, Patrick, Sheehan, Slone, V. Smith, Mrs. Amelia Tucker, Watkins, Wilson, F. Wood, H. Wood, and Young.

Representative Isler moved that the reading of the Journal of Wednesday, November 20, 1963, be dispensed with and the same be approved. Agreed.

Representative Mills moved that absent members be granted leave of absence. Agreed.

Recess

Representative Moloney moved that the House recess for fifteen minutes for a Democratic Caucus. Agreed.

Representative Render announced that there would be a Minority Party Caucus during the recess.

At the appointed hour, Speaker Harry King Lowman resumed the Chair and called the House to order.

Senate Message

Announcing passage of **SR 3** and **SR 4.**

Motions, Petitions and Communications

HR 5, by Representatives Oelsner, Cottengim, Isler and Sheehan: A RESOLUTION adjourning in memory of Stephen M. Maloney.

WHEREAS, this body has been apprised of the death of Stephen M. Maloney; and

WHEREAS, Stephen M. Maloney gave unsparingly of his time and efforts in the religious affairs of his church; and

WHEREAS, his activity and interest in the success of the Boys Club of America and the Foundation for Boys, Inc., has greatly benefited the youth of the Commonwealth; and

WHEREAS, Stephen M. Maloney was a founder of the Summit Hills Golf Club and served as director of the Kentucky Golf Association; and

WHEREAS, the death of Stephen M. Maloney has deprived the Commonwealth of one of its leading citizens;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

1. That when this body adjourns on Thursday, November 21, 1963, it does so in memory of Stephen M. Maloney.

2. That the Clerk of the house send a copy of this resolution to Thelma Seiler Maloney, wife of Stephen Maloney.

Representative Oelsner moved the adoption of **HR 5.** Agreed.

Representative Moloney moved that when the House adjourn it do so until 1:00 p.m., November 25, 1963.

On the roll call, the vote was yeas 55—Ashby, Ballenger, Barton, Bleemel, John Young Brown, Buky, Bunnell, Caldwell, Carroll, Colley, Cummins, Dobyns, Dyer, Farmer, Frymire, Green, Hahn, Hale, Hancock, Hill, Howard, Huff, Hunt, Irick, Isler, Lewis N. Johnson, Jordan, Kirtley, Lacy, Lankford, McCallum, McCracken, Maddox, Majors, Martin, Miller, Mills, Moloney, Luther F. Morgan, Murphy, Nicholls, Oelsner, Ostertag, Peniston, Render, Roberts, Secrest, J. D. Smith, Swinford, A. E. Tucker, Watson, Webster, White, Whitlock, Wiseman. Nays 6—Bartley, Brown, (Archie), Cornett, Dempsey, Hensley, Willen.

The motion to adjourn until 1:00 p.m. November 25, 1963, was adopted.

Representative Moloney moved that the House adjourn. Agreed.

MONDAY, NOVEMBER 25, 1963

SEVENTH LEGISLATIVE DAY

The House was called to order by Speaker Harry King Lowman.

Prayer by The Reverend Charles N. King of the Corinthian Baptist Church of Frankfort.

The roll was called. All present except Representatives Bates, Bleemel, Browning, Dempsey, Dixon, Frymire, Hampton, Hill, Hislope, Isler, Kirtley, Lesshafft, McCracken, Maddox, Martin, Nicholls, Sheehan, Slone, Wiseman, and Young.

Representative Mills moved that absent members be granted leave of absence. Agreed.

Representative Mills moved that the reading of the Journal of Thursday, November 21, 1963, be dispensed with and the same be approved. Agreed.

Motions, Petitions and Communications

HR 6, by the General Assembly: A CONCURRENT RESOLUTION commemorating the death of President John Fitzgerald Kennedy.

WHEREAS, in the tragic death of our beloved President, John Fitzgerald Kennedy, the world has lost a devoted friend of all mankind; and

WHEREAS, his sympathetic understanding and concern for man embraced the downtrodden and oppressed in every country in the world; and

WHEREAS, the unspeakable tragedy in which our great President was called upon to forfeit his life for the promotion of the welfare of mankind is a sad reminder of his great faith in God, his devotion to duty, and his love for his fellow man; and

WHEREAS, greater love has no man than to lay down his life for his friends; and

WHEREAS, those who have fought for the rights of man have often been martyred by bigots and peddlers of hate,

NOW, THEREFORE,

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That each House of the General Assembly pause in silent tribute to our great President for one minute on Monday, November 25, 1963.

Section 2. That copies of this resolution as an expression of our profound sorrow and grief be sent by the Chief Clerk of the House to Mrs. Jacqueline Kennedy, the President's beloved wife, and to Ambassador Joseph P. Kennedy, his father.

Section 3. That when each of the Houses of the General Assembly adjourn on Monday, November 25, 1963, they adjourn out of respect and in tribute to the late President.

Representative Moloney moved the adoption of **HR 6.** Agreed.

Representative Moloney moved that when the House adjourn it do so until 1:00 p.m., November 26, 1963. After some discussion, Representative Moloney withdrew his motion.

Introduction of Bills

HB 6, by Representatives Cottengim, Murphy, A. E. Tucker, and White: AN ACT relating to the Judiciary.

HB 7, by Representatives Cottengim, Murphy, A. E. Tucker, and White: AN ACT relating to the Judiciary.

HB 8, by Representatives Cottengim, Murphy, A. E. Tucker, and White: AN ACT relating to the Judiciary.

HB 9, by Representatives Cottengim, Murphy, A. E. Tucker, and White: AN ACT relating to the Judiciary, with particular relation to the nomination, and election of its members.

Recess

Representative Moloney moved that the House recess for ten minutes for a Rules Committee meeting. Agreed.

At the appointed hour, Speaker Harry King Lowman resumed the Chair and called the House to order.

Representative Moloney moved that the House adjourn until 1:00 p.m., November 26, 1963. Agreed.

TUESDAY, NOVEMBER 26, 1963

EIGHTH LEGISLATIVE DAY

The House was called to order by Speaker Harry King Lowman.

Prayer by Dr. Robert J. Laughlin of the First Presbyterian Church of Frankfort.

The roll was called. All present except Representatives Bates, Farmer, Harris, Hart, Hensley, Houtchens, Lesshafft, McCracken, Murphy, Slone, H. Wood and Young.

Senate Message

Announcing passage of **SB 2** and **HR 6.**

Representative Isler moved that the reading of the Journal of Monday, November 25, 1963, be dispensed with and the same be approved. Agreed.

Representative Mills moved that absent members be granted leave of absence. Agreed.

Recess

Representative Moloney moved the House recess for fifteen minutes for a Majority Party Caucus. Agreed.

Representative Bartley announced that there would be a Minority Party Caucus during the recess.

At the appointed hour, Speaker Harry King Lowman resumed the Chair and called the House to order.

Senate Message

Announcing passage of **HR 4.**

Report on Enrolled Bills

Committee on Enrollment reported that **HR 4** has been examined and found correctly enrolled. **HR 4** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

Motions, Petitions and Communications

HR 7, by Representatives Miller, Farmer and Ostertag: A RESOLUTION requesting that the bridge on I-65 between Louisville and Jeffersonville be named in honor of our late beloved President John Fitzgerald Kennedy.

WHEREAS, the citizens of the Commonwealth of Kentucky, with all men of good will in the entire world, grieviously mourn the tragic death of our beloved President John Fitzgerald Kennedy; and

WHEREAS, the late President Kennedy demonstrated a keen and continuing interest in the economic problems of Kentucky and a warm and lively friendship for our people; and

WHEREAS, the late President spoke often of his affection for the City of Louisville and honored our city frequently with his presence.

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

1. That the Honorable Henry Ward, Commissioner of Highways of the Commonwealth of Kentucky, be and is petitioned to designate the bridge on Interstate Highway I-65, crossing the Ohio River between Louisville and Jeffersonville, Indiana, as the John Fitzgerald Kennedy Memorial Bridge, in reverent memory of our martyred President.

2. That the Clerk of the House be instructed to forward a copy of this resolution to the Honorable Henry Ward, Commissioner of Highways.

Representative Miller moved the adoption of **HR 7.** Agreed.

HR 8, by Representatives Caldwell, Buky, Ballenger, F. Wood, Leister, J. O. Johnson, and Blythe: A RESOLUTION honoring John F. Kennedy.

WHEREAS, the most dreadful of human acts was committed against the recognized leader of the free world, the President of the United States, this Friday last, and

WHEREAS, we feel it is fitting and proper that Kentucky have an appropriate and useful memorial to remind all men that the price of freedom is eternal vigilance, and cannot be taken for granted, and

WHEREAS, such gesture is not a partisan matter and should be agreed upon by both Democrats and Republicans alike,

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

That the Kentucky House of Representatives respectfully recommend that the Kentucky State Commissioner of Highways make every effort to name the new bridge between Louisville and Jeffersonville in his honor, bearing the title of the John F. Kennedy Memorial Bridge.

Representative Caldwell moved the adoption of **HR 8.** Agreed.

HR 9, by Representative J. D. Smith: A CONCURRENT RESOLUTION requesting the establishment of a Community College at Hazard, Kentucky.

WHEREAS, legislation has been enacted creating the establishing of various Community Colleges in the Commonwealth; and

WHEREAS, this legislation does state that one of these Colleges shall be physically located in the Hazard-Blackey area; and

WHEREAS, the city of Hazard provides the most central location between now existing colleges; and

WHEREAS, the city of Hazard can supply the best in fire protection, sewerage disposal, utilities, hospital facilities, and churches of all denominations; and

WHEREAS, numerous sites are available either by purchase or by outright gift;

NOW, THEREFORE,

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That Governor-elect Breathitt, the President of the University of Kentucky, and the Board of Regents of the University of Kentucky are hereby urged to use their good offices favorably and urgently toward the location, the construction, and the operation of a Community College at Hazard, Kentucky.

Section 2. That certified copies of this Resolution be presented or forwarded to Governor-elect Edward T. "Ned" Breathitt, the President of the University of Kentucky, and to the members of the Board of Regents of the University of Kentucky. Copies shall also be sent to City Officials and County Officials of Hazard and Perry County respectively.

Representative J. D. Smith moved the adoption of **HR 9.** Agreed.

Recess

Representative Moloney moved that the House recess for five minutes for a Rules Committee meeting. Agreed.

At the appointed hour, Speaker Harry King Lowman resumed the Chair and called the House to order.

Representative Moloney moved that the Rules be suspended for a Committee Report. Agreed.

Report of Committee

Committte on Rules reported **SB 2** with the expression of opinion that same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 2, AN ACT relating to motor vehicle inspection.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Department" means the Department of Public Safety;

(2) "Commissioner" means the Commissioner of the Department of Public Safety.

Section 2. No person shall drive or move on any highway any motor vehicle, trailer, semitrailer or pole trailer, or any combination thereof, unless the equipment upon such vehicle is in good working order and adjustment as required in this Act and unless the vehicle is in such safe mechanical condition as not to endanger the driver or other occupant or any person upon the highway.

Section 3. (1) Every motor vehicle, trailer, semitrailer and pole trailer registered in the Commonwealth shall be annually inspected for safety and an official certificate of inspection and approval shall be obtained for each such vehicle.

(2) Such inspections shall be made and such certificates obtained with respect to the brakes, lights, turn signals (if any), steering, sound devices, safety glass, exhaust system, windshield wipers, tires and such other safety equipment as the commissioner, by regulation, may deem necessary.

(3) In the event repair or adjustment of any vehicle or its equipment is found necessary upon inspection, the owner of said vehicle may obtain such repair or adjustment at any place he may choose, within ten days but in every event an official certificate of inspection and approval shall be obtained from an official permit holder within 10 days before such vehicle shall be operated upon the highways of this Commonwealth.

(4) The department shall suspend the registration of any vehicle which is determined to be in such unsafe condition as to constitute a menace to safety, or which after notice and demand is not equipped as required by this Act, or for which a required certificate has not been obtained.

(5) The commissioner may, by regulation, authorize the acceptance in the Commonwealth of a certificate of inspection and approval

issued in another state having an inspection law similar to this Commonwealth and may extend the time within which a certificate shall be obtained by the resident owner of a vehicle which was not in this Commonwealth during the time an inspection was required.

Section 4. (1) The department shall issue permits for and furnish instructions and all necessary forms to official inspection stations for the inspection of motor vehicles as herein required. An annual fee, set by regulation of the department, not to exceed fifty dollars, shall accompany the application for a permit. If a permit is not issued, one half of the fee shall be returned to the applicant. The official certificates of inspection and approval shall be obtained from the department at a cost not to exceed twenty-five cents per certificate. All fees collected by the department under this Act shall be put into the State Treasury and credited to a revolving fund for use by the department in the enforcement of this Act.

(2) Application for a permit shall be made upon an official form and shall be granted only when the department is satisfied that the station is properly equipped and has competent personnel to make such inspections and adjustments and will be properly conducted. The department, before issuing a permit, shall, by regulation, require the applicant to file a bond or evidence of liability insurance conditioned that it will compensate for any damage to a vehicle by act or omission, during an inspection or adjustment due to negligence by the applicant or its employes.

(3) The department shall supervise and cause inspections to be made of such stations, and shall revoke the permit issued to a station which he finds is not properly conducted. The department shall maintain lists of all stations holding permits and of those whose permits have been revoked.

(4) The department shall approve all testing equipment used by the station and no equipment shall be used which has not been so approved.

Section 5. (1) No permit for an official station shall be assigned or transferred or used at any location other than therein designated and permits shall be posted in a conspicuous place at the location designated.

(2) The person operating an official inspection station shall issue a certificate of inspection and approval upon an official form furnished by the department to the owner of a vehicle only upon inspecting such vehicle and determining that its equipment required by this Act is in good condition and proper adjustment. A record and report shall be made of every inspection and every certificate issued. These records shall be forwarded to the department at such times as the commissioner, by regulation, shall specify.

(3) The fee for inspection, including the issuance of the certificate of approval, shall be $1.50. No certificate of approval shall be issued until and unless the prescribed inspection is completed and the permit holder has complied with the provisions of this Act.

(4) The appropriate inspection certificate shall be placed in the lower right hand corner of the front windshield at the conclusion of each inspection by the person performing the inspection.

Section 6. (1) No person shall in any manner represent any place as an official inspection station unless such station is operating under a valid permit issued by the department.

(2) All signs or posters pertaining to the safety inspection program to be used by an official station shall be approved by the department before being distributed or posted.

(3) No person other than a duly authorized permit holder, or appointed employe of the permit holder, shall issue a certificate of inspection and approval.

Section 7. (1) No person shall make, issue or knowingly use any imitation or counterfeit of an official certificate of inspection.

(2) No person shall display or cause or permit to be displayed upon any vehicle any certificate of inspection and approval knowing it to be fictitious or issued for another vehicle or issued without an inspection having been made.

(3) No unauthorized person shall knowingly possess vehicle inspection stickers.

Section 8. Section 189.730 of the Kentucky Revised Statutes is amended as read as follows:

(1) The commissioner, uniformed officers and troopers of the Department of Public Safety and Department of Motor Transportation and such other officers and employes of the department as the commissioner may designate, may, at any time, upon reasonable cause to believe that a motor vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the driver of such motor vehicle to stop and submit such vehicle to an inspection and such test with reference thereto as may be appropriate.

(2) In the event such vehicle is found to be in unsafe condition or any required part or equipment is not present or is not in proper repair and adjustment, the officer shall give a written notice to the driver and shall send one copy to the Department of Public Safety. Said notice shall require that such motor vehicle be placed in safe condition and its equipment in proper repair and adjustment *specifying the particulars with reference thereto and that a certificate*

of inspection and approval be obtained within ten days [within a period of forty-eight hours or else remove said motor vehicle from the public highways and not operate the same on the highways until said motor vehicle is repaired and placed in a safe condition].

(3) No person driving a motor vehicle shall refuse to submit such vehicle to an inspection and test when required to do so by the commissioner or an authorized officer or employe of the department.

(4) No person shall operate any vehicle after receiving a notice with reference thereto as provided in subsection (2) except as may be necessary to return such vehicle to the residence or place of business of the owner or driver or to a garage, until the vehicle and its equipment has been placed in proper repair and adjustment and otherwise made to conform to the requirements of this Act. A new certificate of inspection and approval shall be obtained as promptly as possible thereafter.

(5) In the event repair or adjustment of any vehicle or its equipment is found necessary upon inspection, the owner of said vehicle may obtain such repair or adjustment at any place he may choose, but in every event a new official certificate of inspection and approval shall be obtained from an official permit holder before such vehicle shall be again operated upon the highways of this Commonwealth.

(6) [(3)] In the event the use of such vehicle in its present condition would, in the reasonable judgement of the arresting officer, endanger the life of any member of the public, the officer shall require the vehicle to be parked, at the owner's expense, and not operated until it is placed in a safe condition.

Section 9. A new section of the Kentucky Revised Statutes is created to read as follows:

PENALTIES (1) Any person who violates any of the provisions of Section 3(1) or Section 8(5) shall be fined not less than one nor more than one hundred dollars.

(2) Any person operating an official inspection station who violates any of the provisions of Section 5(1) shall have his permit revoked.

(3) Any person who violates any of the provisions of Section 6(3) or 7(2) or 8(3) shall be fined not less than one hundred nor more than five hundred dollars.

(4) Any person who violates any of the provisions of Section 6(1) or 7(3) shall be confined in the penitentiary for not less than one nor more than five years.

(5) Any person who violates any of the provisions of Section 7(1) shall be fined not less than five hundred nor more than five thousand dollars or shall be confined in the penitentiary for not less than one nor more than ten years.

Section 10. The department may issue a permit under the provisions of this Act to any carrier which operates five or more vehicles registered in the Commonwealth of Kentucky.

Section 11. All vehicles operating under an order or permit of the Interstate Commerce Commission or the Department of Motor Transportation of Kentucky shall, by regulation, be exempt from the effects of this Act.

Section 11A. Any person aggrieved by any action of the Commissioner of Public Safety or any other authorized officer or employee in the administration of this act may appeal within ten days after said action of the Commissioner or other authorized officer or employee to the circuit court of the county where the vehicle is domiciled. The circuit court shall hear the cause de novo and render a final order adjudicating the rights of the parties.

Section 12. No person shall sell a new or used vehicle described in Section 3, unless said vehicle has a valid inspection sticker thereon showing that said vehicle has been inspected and passed.

Section 13. KRS 189.740 and subsection (19) and (20) of KRS 189.990 are repealed.

Section 14. This Act shall become effective July 1, 1964.

Representative Moloney moved that the House adjourn until 10:00 a.m., November 27, 1963. Agreed.

WEDNESDAY, NOVEMBER 27, 1963

NINTH LEGISLATIVE DAY

The House was called to order by Speaker Harry King Lowman.

Prayer by Dr. John C. Chenault of the First Christian Church of Frankfort.

The roll was called. All present except Representatives Alexander, Bates, J. Y. Brown, Colley, Dempsey, Dixon, Freeman, Frymire, Hart, Holloran, Houtchens, Ingram, Lesshafft, McCracken, Peace, Slone, White and Young.

Representative Isler moved that the reading of the Journal of Tuesday, November 26, 1963, be dispensed with and the same be approved. Agreed.

Representative Mills moved that absent members be granted leave of absence. Agreed.

Calendar

SB 2 taken from the Calendar and ordered read at length for the second time. Representative Moloney moved that it be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Report on Enrolled Bills

HR 4 delivered to the Senate, signed by the President. Ordered delivered to the Governor.

Representative Moloney moved that the House adjourn until 1:00 p.m., December 2, 1963. Agreed.

MONDAY, DECEMBER 2, 1963

THIRTEENTH LEGISLATIVE DAY

The House was called to order by Speaker Harry King Lowman.

Prayer by the Reverend Herman M. Bowers of the First Baptist Church of Frankfort.

The roll was called. All present except Representatives Dempsey, Dixon, Hart, Lesshafft and Watson.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Mills moved that the reading of the Journal of Wednesday, November 27, 1963, be dispensed with and the same be approved. Agreed.

Senate Message

Announcing passage of **SB 1** and **HR 9.**

Recess

Speaker Harry King Lowman announced that there would be a fifteen minute recess for a Rules Committee meeting. Agreed.

At the appointed hour, Speaker Harry King Lowman resumed the Chair and called the House to order.

Report of Committee

Committee on Rules reported **SB 1** with the expression of opinion that same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 1, AN ACT relating to the Judiciary, with particular relation to the nomination, election and compensation of its members.

WHEREAS, it is in the public interest that Judges of the Court of Appeals and Circuit Judges be nominated and elected on a non-partisan basis; and

WHEREAS, under Sections 112 and 133 of the Kentucky Constitution the members of the Court of Appeals and Circuit Judges are required to be paid adequate compensation for their services, which requirement, under the decisions in Wright v. Oates, Ky. 314 S. W. 2d 952, Perkins v. Sims, Ky., 350 S. W. 2d 715, and Matthews v. Allen, Ky., 360 S. W. 2d 135, takes precedence over restrictive provisions of Sections 235 and 246 of the Kentucky Constitution; and

WHEREAS, the compensation of the Judges of the Court of Ap-

peals is grossly inadequate, being the lowest in the nation for any state court of last resort; and

WHEREAS, the compensation of the Judges of the Circuit Courts likewise is grossly inadequate, also being the lowest in the nation for trial courts of general jurisdiction; and

WHEREAS, in the light of compensation standards prevailing for other positions in public service in this state and for judicial positions in the Federal service the General Assembly finds that the salaries specified in this Act conform to minimum reasonable requirements of adequacy; and

WHEREAS, it is in the best interests of the public that the holders of judicial offices be paid compensation such as to command the dignity and respect for the offices which are essential to the preservation of our system of government;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) The names of the candidates for the offices of Judge of the Court of Appeals and Circuit Judge shall be placed on the voting machine at the regular election in a column or line headed or preceded by the words "Judicial Ballot," in such a manner that the casting of a vote for all of the candidates of one party as contemplated by KRS 125.050 (3) will not operate to cast a vote for such judicial candidates. When voting machines are not used, the names of such judicial candidates shall be placed upon a separate ballot styled "Judicial Ballot." Each candidate shall be designated by the name of the political party by which he was nominated, or if an independent, by the designation specified in his nominating petition.

(2) The names of the candidates shall be arranged in such order as may be determined by lot in the same manner as provided in subsections (2) and (3) of KRS 119.140.

Section 2. The salary of each Judge of the Court of Appeals, payable out of the State Treasury, shall be $20,000 per annum.

Section 3. The salary of each Commissioner of the Court of Appeals appointed pursuant to KRS 21.150, payable out of the State Treasury, shall be $17,500 per annum.

Section 4. The salary of each Circuit Judge, payable out of the State Treasury, shall be $15,000 per annum, which includes the compensation payable under KRS 21.305 for services as a special commissioner of the Court of Appeals.

Section 5. Sections 64.496 and 64.498 of the Kentucky Revised Statutes are repealed.

Section 6. Whereas, the present compensation of the Judiciary is grossly inadequate and does not meet the Constitutional requirements of adequacy, an emergency is declared to exist and this Act shall become effective on January 1, 1964, except for Section 4 which shall become effective on January 6, 1964, at the time the term for Circuit Judges commences.

Introduction of Bills and Resolutions

HR 10, by Representative Moloney: A CONCURRENT RESOLUTION directing the Legislative Research Commission to report to the 1964 Session of the General Assembly on the compensation of elective County Officials (including State Officers elected at the County level) as such compensation compares and relates to that of similar officials in other states, and as it compares to the actual effective compensation of such Kentucky Officials immediately after the 1949 Constitutional salary limit was established and implemented.

WHEREAS, it is a matter of common knowledge that immediately after the 1950 regular session of the General Assembly the Korean Conflict began and consequent thereon a tremendous inflation of prices and increase in cost of living occurred, so that compensation limits established in early 1950 became unrealistic almost immediately; and

WHEREAS, the Commonwealth of Kentucky has made heroic and laudable efforts in recent years to bring the salaries of school teachers and other State employees up to levels commensurate with their duties and reasonably comparable to those of sister states of like economic status, and those efforts are continuing, and very properly so; and

WHEREAS, it cannot be assumed that County Government will improve, or even maintain its present level, unless the compensation paid to the officials in such government is adequate to attract and retain able public servants; and

WHEREAS, it is important that there be a determination of the adequacy of compensation to County Officials and if so the extent thereof;

NOW, THEREFORE,

Be it Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky with the Senate concurring therein:

Section 1. The Legislative Research Commission is directed to employ its regular staff, and such other assistance as it may be

able to obtain, in studying the present compensation of elective County Officials, and State Officials elected at County level, in order to determine the adequacy thereof, and to report the results of such studies to the 1964 Regular Session of the General Assembly.

Section 2. The Legislative Research Commission, in making the study authorized in Section 1 hereof, is directed to compare the compensation of Kentucky County elective officials with the compensation paid to similar officials in other states, and to assess the depreciation in value to the present date of the limit established on the compensation of such officials by the 1950 Act.

Representative Moloney moved the adoption of **HR 10.** Agreed.

HR 11, by Representative Jordan: A CONCURRENT RESOLUTION petitioning and requesting the establishment of a Community College in Letcher County, Kentucky.

WHEREAS, legislation has been enacted creating the establishing of various Community Colleges in the Commonwealth; and

WHEREAS, this legislation does state that one of these Colleges shall be physically located in the Hazard-Blackey area; and

WHEREAS, Letcher County can supply the best in fire protection, sewerage disposal, utilities, hospital facilities, and churches of all denominations; and

WHEREAS, numerous sites are available either by purchase or by outright gift;

NOW, THEREFORE,

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That Governor-elect Breathitt, the President of the University of Kentucky, and the Board of Regents of the University of Kentucky are hereby urged to use their good offices favorably and urgently toward the location, the construction, and the operation of a Community College in Letcher County, Kentucky.

Section 2. That certified copies of this Resolution be presented or forwarded to Governor-elect Edward T. "Ned" Breathitt, the President of the University, and to the members of the Board of Regents of the University of Kentucky. Copies shall also be sent to the Mountain Eagle, Whitesburg, and the Community Press, Cromona, Kentucky.

Representative Jordan moved the adoption of **HR 11.** Agreed.

HR 12, by Representative J. Y. Brown: A JOINT RESOLUTION authorizing and directing the Legislative Research Commission to

study the feasibility and propriety of the reorganization of city and county governments.

WHEREAS, there exists a need to re-evaluate the relationship between, and the orderly operation of, the systems of city and county governments in an effort to eliminate the overlapping of services and functions; and

WHEREAS, the placement of county seats of government based on the concept of reaching the county seat, and returning the same day has virtually been eliminated by progress in the fields of communication and transportation; and

WHEREAS, the Constitution of Kentucky imposes, to a great extent, the same administrative structure on all counties regardless of their population or complexity; and

WHEREAS, under the present Constitution, the General Assembly is without the authority to offer optional forms of government to counties, and prescribe the conditions under which they should be adopted; and

WHEREAS, it has been expressed that the system of county governments might be run more efficiently and systematically were there a consolidation of various counties either by constitutional amendment or voluntarily among certain counties;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission is authorized and directed to make a study of the feasibility and propriety of a reorganization of the systems of city and county governments either by legislative enactment or constitutional amendment.

Section 2. That the Legislative Research Commission is directed to report its findings to the General Assembly.

Representative J. Y. Brown moved the adoption of **HR 12.** Agreed.

Representative Moloney moved that the House adjourn until 1:00 p.m., December 3, 1963. Agreed.

TUESDAY, DECEMBER 3, 1963

FOURTEENTH LEGISLATIVE DAY

The House was called to order by Speaker Harry King Lowman.

Prayer by the Reverend James A. Shepherd of the First Methodist Church of Frankfort.

The roll was called. All present except Representatives Farmer, Hart, Houtchens, Lesshafft and Maddox.

Representative Isler moved that the reading of the Journal of Monday, December 2, 1963, be dispensed with and the same be approved. Agreed.

Representative Mills moved that absent members be granted leave of absence. Agreed.

Motions, Petitions and Communications

HR 13, by Representative Blythe: A RESOLUTION commending Kentucky's broadcasters and the national networks for their handling of the assassination and funeral of President Kennedy and the surrounding events.

WHEREAS, the nation has suffered a great tragedy in the assassination of President Kennedy; and

WHEREAS, it was of critical importance to the nation and the world that this event, and the attendant events, be made known to the public swiftly, accurately, and in good taste; and

WHEREAS, this objective was admirably achieved by the broadcasting industry during the period November 22-25, 1963;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

That the House of Representatives go on record as highly commending the radio and television broadcasters of Kentucky, and the national networks with which some of them are affiliated, for their handling of the situation during these dark days of our nation's history.

Representative Blythe moved the adoption of **HR 13.** Agreed.

Recess

Speaker Harry King Lowman announced that there would be a fifteen minute recess for a Rules Committee meeting. Agreed.

At the appointed hour, Speaker Harry King Lowman resumed the Chair and called the House to order.

Calendar

SB 1 taken from the Calendar and ordered read at length for the second time. Representative Moloney moved that it be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Representative Moloney moved that the House adjourn until 10:00 a.m., December 4, 1963. Agreed.

WEDNESDAY, DECEMBER 4, 1963

FIFTEENTH LEGISLATIVE DAY

The House was called to order by Speaker Harry King Lowman.

Prayer by Dr. John C. Chenault of the First Christian Church, Frankfort.

The roll was called. All present except Representatives Freeman, Hart and Lesshafft.

Representative Isler moved that the reading of the Journal of Tuesday, December 3, 1963, be dispensed with and the same be approved. Agreed.

Representative Mills moved that absent members be granted leave of absence. Agreed.

Recess

Representative Moloney moved that the House recess for fifteen minutes for a Rules Committee meeting. Agreed.

At the appointed hour, Speaker Harry King Lowman resumed the Chair and called the House to order.

Report of Committee

Committee on Rules reported **SB 1** in Orders of the Day and ordered that **SB 1** be posted with the following amendment:

Amend printed copy of Senate Bill No. 1 on page 3, lines 7, 8, 9 by: by deleting the words and figures "$15,000 per annum, which includes the compensation payable under KRS 21.305 for services as a special commissioner of the Court of Appeals."

and inserting in lieu thereof

"$12,500 per annum. The compensation payable under KRS 21.305 for services as a special commissioner of the Court of Appeals shall be in addition thereto."

Orders of the Day

SB 1 was taken from Orders of the Day and ordered read at length for the third time. Representative Moloney moved that it be read by title only. Agreed by a majority of members elected.

Representative Moloney moved the adoption of the Committee Amendment to **SB 1.** Agreed.

Representative Moloney moved the Previous Question on **SB 1.**

On the roll call, the vote was yeas 40—Bartley, Bates, Bleemel, John Young Brown, Carroll, Dixon, Dyer, Farmer, Frymire, Geveden, Hahn, Holloran, Houtchens, Irick, Jordan, Lacy, Lankford, McCracken, Majors, Martin, Miller, Moloney, Fred Morgan, Luther F. Morgan, Murphy, Oelsner, Ostertag, Peace, Peniston, Roberts, Slone, J. D. Smith, Virgil Smith, Sparks, Swinford, A. E. Tucker, White, Wiseman, Harry W. Wood, Young. Nays 31—Alexander, Ballenger, Blythe, Browning, Buky, Caldwell, Colley, Cornett, Cummins, Dempsey, Denham, Dobyns, Hale, Hensley, Huff, Hunt, Ingram, Oz Johnson, Kirtley, Lassiter, Maddox, Nicholls, Patrick, Render, Secrest, Vickers, Watkins, Watson, Webster, Whitlock, Wood.

The motion on the Previous Question on **SB 1** was adopted.

Representative Moloney moved that **SB 1** as amended be placed upon its passage.

On the roll call, the vote was yeas 54—Ballenger, Bartley, Bates, Bleemel, Archie Brown, John Young Brown, Caldwell, Carroll, Cottengim, Dixon, Farmer, Frymire, Geveden, Green, Hahn, Harris, Hill, Hinkle, Holloran, Howard, Huff, Ingram, Irick, Lewis N. Johnson, Lacy, Lankford, McCallum, McCracken, Majors, Martin, Miller, Mills, Moloney, Fred Morgan, Luther F. Morgan, Murphy, Oelsner, Ostertag, Peniston, Roberts, Sheehan, Slone, Slusher, J. D. Smith, Virgil Smith, Swinford, A. E. Tucker, Amelia M. Tucker, Watson, White, Wilson, Wiseman, Frank Wood, Harry W. Wood. Nays 34—Alexander, Ashby, Barton, Blythe, Browning, Buky, Bunnell, Cornett, Cummins, Dempsey, Denham, Dobyns, Hale, Hampton, Hensley, Hislope, Hunt, Isler, Oz Johnson, Jordan, Lassiter, Leister, Maddox, Nicholls, Patrick, Peace, Render, Secrest, Vickers, Watkins, Webster, Whitlock, Willen, Young.

SB 1 was passed and the title agreed to.

Representative Moloney moved that the vote by which **SB 1** was passed be reconsidered and said motion be laid on the table. Agreed.

Senate Message

Announcing passage of **HR 10, HR 11, HR 12** and **SB 4.**

Representative Dempsey moved that the House adjourn sine die. No action was taken on the motion inasmuch as Speaker Harry King Lowman ruled the motion was out of order.

Representative Dempsey moved that the House adjourn until 1:00 p.m., December 5, 1963. The motion was rejected by voice vote.

Recess

Representative Moloney moved that the House recess for fifteen minutes for a Rules Committee meeting. Agreed.

At the appointed hour, Speaker Harry King Lowman resumed the Chair and called the House to order.

Representative Moloney moved that when the House adjourn it do so until 10:00 a.m., December 5, 1963. Agreed.

Motions, Petitions and Communications

HR 15, by Representative Roberts: A RESOLUTION dispensing with requirement to make up school missed in mourning death of John Fitzgerald Kennedy.

Representative Roberts requested that **HR 15** be withdrawn. Agreed.

HR 16, by Representatives Kirtley, Hale, Colley, Hinkle and Roberts: A RESOLUTION dispensing with requirement to make up school missed in mourning death of John Fitzgerald Kennedy.

WHEREAS, the President of the United States and the Governor of the Commonwealth issued proclamations declaring Monday, November 25, 1963, a day of mourning and observance of the funeral of John Fitzgerald Kennedy, the late President of the United States; and

WHEREAS, all state employes were relieved of their duties on this day and members of the Legislature who did not answer the roll call were excused; and

WHEREAS, the schools of the Commonwealth were released on this day of mourning and such days are usually required to be made up in accordance with Minimum Foundation requirements;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

1. That November 25, 1963, a day of mourning for the late President John Fitzgerald Kennedy, be deemed a day of teaching insofar as required by the Minimum Foundation Program.

2. That the State Board of Education and the Superintendent of Public Instruction be sent a copy of this resolution.

Representative Kirtley moved the adoption of **HR 16.** Agreed.

Representative Dyer requested that his vote on **SB 1** be changed from "not voting" to "yea." Speaker Harry King Lowman ruled that the request could not be granted inasmuch as the roll call vote on **SB 1** had already been announced.

HR 17, by Representative Moloney: A JOINT RESOLUTION fixing the latest date of adjournment of the General Assembly.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the House of Representatives and the Senate of the General Assembly convened in extraordinary session, shall adjourn sine die not later than midnight, December 5, 1963.

Representative Dempsey moved the adoption of **HR 17.** Agreed.

SR 3, A JOINT RESOLUTION requesting a study to be made for the purpose of judicial redistricting.

WHEREAS, the division of the entire state into appellate court districts was last accomplished in 1893; and

WHEREAS, the last legislation establishing circuit court districts throughout the entire state was enacted in 1893 when thirty districts were created; and

WHEREAS, since 1893 the number of circuit court districts have been increased from 30 to 49; and

WHEREAS, because of population shifts during the past seventy years, a wide disparity exists in the population of the various judicial districts; and

WHEREAS, on the basis of a study made by the Legislative Research Commission in 1961, it appears that the number of cases filed per judge in the various circuit court districts ranges from less than two hundred to over nine hundred per year; and

WHEREAS, under Section 134 of the Constitution of Kentucky as construed by the Court of Appeals, the number of circuit court districts cannot be changed before the 1972 session of the General Assembly; and

WHEREAS, circuit court judges will be elected and take office for six year terms in 1964 and 1970 so that a 1972 circuit court judicial redistricting cannot become effective until 1982 without altering the terms of office of duly elected judges; and

WHEREAS, a redistricting of the circuit court districts throughout the Commonwealth may increase the efficiency of the judiciary as well as possibly reduce the costs of maintaining the courts in the state.

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky; the House of Representatives concurring therein:

Section 1. That a committee be immediately established to make a study of the judicial districts of the state and to make a report as

to its findings as to the need and desirability of making changes in the judicial districts in the state and that such committee be composed of three members of the Senate appointed by the president thereof; three members of the House of Representatives appointed by the Speaker thereof; the Chief Justice of the Court of Appeals or some member of such court designated by him; one circuit judge designated by the Judicial Council and one attorney at law designated by the Kentucky Bar Association.

Section 2. The committee shall complete its work and make its report to the: (1) President of the Senate, (2) The Speaker of the House of Representatives, (3) The Governor of the Commonwealth, (4) The Chief Justice of the Court of Appeals, and (5) The President of the Kentucky State Bar Association, before the 1st day of February, 1964.

Section 3. That the Legislative Research Commission be requested to provide the committee such professional and clerical assistance as it may require to accomplish its work.

Representative Moloney moved the adoption of **SR 3.** Agreed.

HR 18, by Representative J. Y. Brown: A RESOLUTION authorizing and directing the Legislative Research Commission to study the feasibility of a change to a unicameral legislative system.

WHEREAS, the basis for the placement of legislative districts has become antiquated due to present day technological advances in the field of communication and transportation; and

WHEREAS, the complexities of modern government, and the increased pace of society today require continuous action by a legislative body whose members are closely and intimately acquainted with the many issues that daily arise; and

WHEREAS, under the present system, in order to meet the various exigencies which arise between sessions, it is necessary to call many extraordinary sessions of the legislature; and

WHEREAS, the compensation is inadequate for the true spirit and responsibility involved in the office of legislator;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission be authorized and directed to make a study of the feasibility and propriety of a unicameral legislative system with a legislative body of twenty members meeting in continuous session.

Section 2. That the compensation for such members, in order to commensurate with the responsibility involved in their office, and in order that qualified presonnel be encouraged to seek such office, be fixed at not less than $20,000 per year.

Representative J. Y. Brown moved the adoption of **HR 18.**

On the roll call, the vote was yeas 38—Ballenger, Bleemel, John Young Brown, Bunnell, Carroll, Cottengim, Dixon, Dyer, Farmer, Hill, Holloran, Houtchens, Hunt, Irick, Isler, Kirtley, McCallum, McCracken, Majors, Mills, Moloney, Fred Morgan, Luther F. Morgan, Murphy, Nicholls, Oelsner, Peniston, Slone, J. D. Smith, Swinford, A. E. Tucker, Watkins, Webster, Whitlock, Wilson, Wiseman, Frank Wood, Young. Nays 6—Bartley, Archie Brown, Cornett, Cummins, Patrick, Willen.

HR 18 was adopted.

Representative Moloney moved that the House adjourn until 10:00 a.m., December 5, 1963. Agreed.

THURSDAY, DECEMBER 5, 1963

SIXTEENTH LEGISLATIVE DAY

The House was called to order by Speaker Harry King Lowman.

Prayer by the Reverend Herman M. Bowers of the First Baptist Church, Frankfort.

The roll was called. All present except Representatives Browning, Hart, Houtchens, Lesshafft, Willen and Wilson.

Representative Isler moved that the reading of the Journal of Wednesday, December 4, 1963, be dispensed with and the same be approved. Agreed.

Representative Mills moved that absent members be granted leave of absence. Agreed.

Report on Enrolled Bills

Committee on Enrollment reported that **SB 1** had been examined and found correctly enrolled. **SB 1** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

Recess

Speaker Harry King Lowman announced that there would be a fifteen minute recess for a Rules Committee meeting. Agreed.

At the appointed hour, Speaker Harry King Lowman resumed the Chair and called the House to order.

Motions, Petitions and Communications

Representative Hislope moved that the House go on record as opposing the erection of a Library Building on the old or new Capitol grounds.

On the roll call, the vote was yeas 19—Bartley, Barton, Archie Brown, John Young Brown, Cornett, Cummins, Dempsey, Hensley, Hislope, Jesse O. Johnson, Kirtley, Nicholls, Patrick, Render, Secrest, Vickers, Watson, White, Frank Wood. Nays 36—Ashby, Bates, Bleemel Carroll, Cottengim, Dyer, Farmer, Green, Hahn, Hill, Holloran, Howard, Jordan, Lankford, Lassiter, McCracken, Majors, Miller, Mills, Moloney, L. Morgan, Oelsner, Ostertag, Peace, Peniston, Roberts, Slusher, J. D. Smith, Sparks, Swinford, A. E. Tucker, Watkins, Webster, Whitlock, Wiseman and H. Wood.

The motion for the House to go on record as opposing the location of the Library Building was defeated.

Senate Message

Announcing passage of **HR 17.**

HR 14, by Representatives Cottengim, Murphy, A. Brown, Frymire, Secrest, Buky, Carroll, Hale, Sparks, Lacy, Hampton, Isler, Irick, Ashby, Peniston, Webster, Young, Bates, Kirtley, Whitlock, Watson, Dobyns, Dempsey, A. E. Tucker, J. Y. Brown, Hunt and Denham: A RESOLUTION honoring members of the House of Representatives upon their retirement as members of the General Assembly.

WHEREAS, the terms of certain members of the House of Representatives of the Commonwealth of Kentucky who have served in this body with distinction are about to expire; and

WHEREAS, these members have represented their respective districts in a manner that has served the good of their communities and of the Commonwealth of Kentucky; and

WHEREAS, their service and representation has been in the best and highest tradition of the position they have and will serve as an inspiration to those who follow them,

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

That honorable mention be made of the service to this body and to the Commonwealth of Kentucky of James T. Alexander, Wallace Bartley, Leo A. Bleemel, John Y. Brown, Walter Browning, Jack D. Bunnell, T. T. Colley, Paul W. Cornett, Money Ed Cummins, John Morris Dixon, Russell Dobyns, A. R. Dyer, Herbert F. Fern, Edwin Freeman, Noah J. Geveden, James P. Hahn, H. A. Hampton, Eugene B. Hancock, Geo. F. Harris, C. H. Hart, Fielding Hensley, T. J. Hill, III, James Holloran, Thomas B. Howard, Carlos Huff, Otto Ingram, Carl Lacy, Elmer L. Leister, Jack Lesshafft, Harry King Lowman, Damon Majors, Ben Martin, Samuel R. McCracken, Jr., Mrs. Frances Jones Mills, Luther F. Morgan, Russell R. Oelsner, Eugene A. Ostertag, Luther Patrick, Dan J. Roberts, Allen Slone, Mason Slusher, J. D. Smith, Virgil Smith, H. T. Sparks, Mrs. Amelia M. Tucker, William Vickers, Leonard E. Wilson, Walker H. Wiseman, Frank Wood, and Harry W. Wood, and this means be taken to commend them for their conscientious and responsible representation as members of the General Assembly, on this the occasion of their retirement from that service.

Representative Cottengim moved the adoption of **HR 14.** Agreed.

Representative Moloney moved that the Speaker appoint a Committee to wait upon the Governor. Agreed.

The Speaker appointed a Committee to join a similar Committee from the Senate to wait upon the Governor to notify him that the business of the House had been concluded and to inquire if the Governor had further business to communicate, and to issue an invitation to him to address a joint session of the House and Senate if he so desired.

Committee appointed as follows: Representatives Slone, Martin, Mills, H. W. Wood and Huff.

Representative H. W. Wood reported that the Committee had completed its mission and that the Governor had no message for the House.

Representative Moloney moved that the Journal for the House of Representatives be read and approved. Agreed.

Representative Moloney moved that the House adjourn sine die. Agreed.

The House adjourned sine die.

Approved:
Harry King Lowman, Speaker

Attested:
Troy B. Sturgill, Chief Clerk
House of Representatives

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HISTORY OF HOUSE BILLS

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HB 1 Relates to the nomination, election and compensation of members of the judiciary. (Moloney)
HB 2 Relates to motor vehicle inspection. (Moloney)
HB 3 Relates to motor vehicles inspection. (Bunnell)
HB 4 Relates to operator's license. (Roberts)
HB 5 Relates to the compensation of members of the judiciary. (Dempsey)
HB 6 Relates to the judiciary. (Cottengim and others)
HB 7 Relates to the judiciary. (Cottengim and others)
HB 8 Relates to the judiciary. (Cottengim and others)
HB 9 Relates to the judiciary. (Cottengim and others)

	Intro-duced	Reported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Enrolled	Other Action
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HISTORY OF HOUSE RESOLUTIONS

Numbers refer to page of House Journal. The text of a resolution is given on 1st reading or adoption. Joint resolutions are designated **HJR**; concurrent resolutions are designated **HCR.**

HR 1 Adopts rules of the 1962 Regular Session as rules of the Third Extraordinary Session of 1963. (Moloney)

HR 2 Authorizes appointment of a committee to wait upon the Governor. (Moloney)

HR 3 Invites pastors to open sessions with prayer. (Moloney)

HJR 4 Appropriates fund for expenses of extraordinary session. (Moloney)

HR 5 Adjourns in memory of Stephen M. Moloney. (Oelsner and others)

HCR 6 Commemorates the death of President John Fitzgerald Kennedy. (General Assembly)

HR 7 Requests that the bridge on I-65 between Louisville and Jeffersonville be named in honor of our late beloved President John Fitzgerald Kennedy. (Miller and others)

HR 8 Honors John F. Kennedy. (Caldwell and others)

HCR 9 Requests the establishment of a community college at Hazard, Kentucky. (Smith, J. D.)

HCR 10 Authorizes the Legislative Research Commission to study the compensation of elective county officials. (Moloney)

HCR 11 Requests the establishment of a community college in Letcher County. (Jordan)

HJR 12 Authorizes the Legislative Research Commission to study the reorganization of city and county government. (Brown)

HR 13 Commends Kentucky broadcasters and the national networks for their handling of the President's assassination. (Blythe)

HR 14 Honors members of the House of Representatives upon their retirement as members of the General Assembly. (Cottengim and others)

HR 15 Dispenses with requirement to make up school missed in mourning the death of John Fitzgerald Kennedy. (Roberts)

HR 16 Dispenses with requirement to make up school missed in mourning the death of John Fitzgerald Kennedy. (Kirtley and others)

HJR 17 Fixes date for sine die adjournment. (Moloney)

HR 18 Authorizes the Legislative Research Commission to study the feasibility of a change to a unicameral legislative system. (Brown)

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SB 2 Relates to motor vehicle inspection.
SB 4 Prohibits use of motor vehicles with regrooved tires.

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HISTORY OF SENATE RESOLUTIONS

Numbers refer to page of House Journal. The text of a resolution is given on 1st reading or adoption. Joint resolutions are designated **SJR;** concurrent resolutions are designated **SCR.**

SJR 3 Requests a study to be made for the purpose of judicial redistricting.

SCR 4 Adjourns in observance of Morehead State College Founders Day.

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